

**MINUTES FROM THE  
JULY 10 -11, 2003  
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING**

**The Omni Jacksonville Hotel  
245 Water Street  
Jacksonville, FL 32202**

The Board Meeting was called to order by Chairperson Michele Poole at 9:00 a.m.

**PLEDGE OF ALLEGIANCE AND INVOCATION** – Messrs. Sandefer, Mugford and Abreu.

**ROLL CALL- Members Present**

Arnaldo L. Abreu  
Pierre Bellemare  
Kimberly DeBerry  
Roger Langer  
Norman Mugford  
Michele Poole, Chairperson  
Lewis Roberts  
Paul Sandefer  
Rae Small  
Clarence Tibbs, Vice-Chairperson

**Members Absent**

Jeffrey M. Kiner – Ms. Poole stated for the record that Mr. Kiner's absence was excused.

**OTHERS PRESENT**

Anthony B. Spivey, Executive Director  
Gregory Spence, Government Analyst  
Rosanna M. Catalano, Assistant Attorney General  
Gail Scott-Hill, Chief Attorney  
Cindy I. Danese, Statewide Reporting Service, Court Reporter

**DISCIPLINARY CASES – Gail Scott-Hill, Chief Attorney**

**Peters Myers**

**ER 0014403**

**Case No.: 2002-00255**

**Motion for Default and Final Order**

**Recused: Mugford, Kiner & Small**

On April 22, 2003, the Department filed an Administrative Complaint in Case No.: 2002-00255 charging the respondent with a violation of one count each of [Section 489.533\(1\)\(m\) 2., F.S.](#), by committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer; [Section 489.533\(1\)\(p\), F.S.](#), by abandoning a project which the contractor is engaged in or is under contractual obligation to perform; and [Section 489.533\(1\)\(f\), F.S.](#), by committing fraud or deceit, or negligence, incompetence, or misconduct in the practice of electrical or alarm system contracting. The respondent failed to file an Election of Rights form. On June 18, 2003, the Department filed an Amended Motion for Default and Final Order.

The Department recommended that the Board enter a Final Order finding that the respondent violated the provisions of [Chapter 489, Part II, F.S.](#), and the imposition of one or more of the following penalties: place on probation, reprimand the license, revoke, suspend, deny the issuance or renewal of the certificate or registration, require correction, impose an administrative fine not to exceed \$5,000 per violation, require continuing education, assess costs associated with investigation and prosecution, impose any or all penalties delineated within [Section 455.227\(2\), F.S.](#), and/or any other relief that the Board is authorized to impose pursuant to [Chapters 489 and 455, F.S.](#), and/or the rules promulgated thereunder.

Mr. Myers was neither present nor represented by counsel. After consideration of the complete record, the board took the following action:

MOTION: Mr. Abreu motion to find Mr. Myers in DEFAULT.

SECOND: Mr. Bellemare.

The Board voted on the motion. The motion passed unanimously.

MOTION: Mr. Abreu motioned to adopt the Findings of Fact and the Conclusions of Law as alleged in the Administrative Complaint.

SECOND: Mr. Sandefer.

The Board voted on the motion. The motion passed unanimously.

MOTION: Mr. Abreu motion to assess a penalty of \$583.18 administrative costs; a \$1,000 administrative fine per count, totaling \$3,000; pay restitution of \$4,500; suspension of license until Mr. Myers personally appears before the board and 1-year probation after the suspension is lifted.

SECOND: Mr. Sandefer.

The Board voted on the motion. The motion passed unanimously.

**James Kelly Calhoun**  
**ER 0013845**  
**Case No.: 2002-010474**  
**Motion for Default and Final Order**  
**Recused: Mugford, Kiner & Small**

This case was TABLED at the request of the respondent.

**APPLICATION COMMITTEE – Michele Poole, Chairperson**

**Second Business Applications**

Present during this portion of the meeting were:

Alonso, Angel, Matelj Corporation; Carlson, Richard E., Alarm Force USA Corp; Crossley, Joseph A., Jet Security, Inc.; Guidroz, Garrett Pete, Complete Alarm, Inc.; Hall, Gary Dean, Control Concepts, Inc.; Johnson, Dawn R., United Central Control, Inc. d/b/a: United Central Control (UCC); Kerry, Michael, U.S. Fire and Safety, Inc.; Livingston, James F., U-Electric; Miller, J. B., Landmark Fire & Security Systems, LLC; Newton, Frederick C., Tier Electric, Inc.; Petrics, Istvan., Mid-Atlantic Enterprises, Inc.; Rothwell, Ronald H., My Electric Company, LLC; Simpson, Stephen P., Stephen P. Simpson Electric; Sullivan, Joseph W., Dynamic Services Group, Inc.; Woodcock, Frank W., Dolphin Electrical Construction, Inc.

The application of Gay, Joseph M., American Directional Boring, Inc. d/b/a: Utility Contractors, was TABLED until the next meeting because the applicant did not appear.

During the review each applicant was interviewed in turn and answered general questions concerning the business entity they wished to qualify and direct questions concerning their understanding of their responsibilities and obligations as primary qualifying agent; specifically:

- ◆ *“Do you understand that you will be legally responsible for every job undertaken by this business?”*
- ◆ *Do you understand that you will be financially responsible for every job undertaken by this business?”*
- ◆ *Do you understand that you are required to approve the work done on every job undertaken by this business?”*
- ◆ *Do you understand that your license is dependent upon how seriously you take these responsibilities?”*

Each applicant answered affirmatively to each of the preceding questions.

Of particular interest during this portion of the meeting was the review of Frank W. Woodcock's, application to qualify Dolphin Electrical Construction, Inc. The board had received correspondence from Frank Hardin, City of Jacksonville, concerning alleged improprieties committed by Dolphin Electrical Construction, Inc. Present along with Mr. Woodcock were Ron Ferreira and Jeff Woodell. Messrs. Woodcock, Ferreira and Woodell were sworn in by the court reporter. Ms. Poole introduced the matter for the record. The Board entered into discussion with the respondents. Mr. Sandefer stated that he had been made aware that the City of Jacksonville had advised Dolphin Electrical Construction, Inc.,

that they could not pull any new permits until they had secured a new qualifying agent and that the City of Jacksonville had filed charges against Dolphin Electrical Construction, Inc., for alleged violations of unlicensed activity. Messrs. Woodcock, Ferreira and Woodell gave testimony on behalf of Dolphin Electrical Construction, Inc. During discussion Mr. Sandefer read into the record a portion of the correspondence received from Frank Hardin, City of Jacksonville concerning Dolphin Electrical Construction, Inc. The correspondence read in part:

*"...I sent a letter asking them to come and sign Citation BI 20841, for \$255...I have attempted to contact them by phone...told them they had 45-days from the date the qualifier resigned..."*

Mr. Ferreira stated that the action of the City of Jacksonville, "was a personal vendetta." Ms. Catalano advised that in the future such correspondence should be routed through the Board office and included in the applicant's file. Ms. Poole read into the record correspondence dated June 2, 2003, to Tom Goldsbury, P. E., Chief Building Inspector, City of Jacksonville from Frank Hardin, referencing Dolphin Electrical Construction, Inc.

*"May 22, 2003*

*Inspector Jeri Ricks obtained information that Dolphin Electric was working for BFI located at 7580 Phillips Highway. She was told Dolphin was doing the work without permits because the qualifying agent had resigned.*

*Upon arrival Ms. Ricks saw no Dolphin Electric Trucks or Personnel. When she inquired at BFI she talked with the General Manager who informed her that Dolphin Electric was doing no work for BFI and gave her a copy of the last invoice from Dolphin dated 5/6/03. On that date Dolphin had a qualifying agent. Inspector Todd Cunningham who was also called arrived as Inspector Ricks was leaving.*

*May 27, 2003*

*I received information from Jeff Smith that Dolphin Electric was working at BFI once again and that they were at the job site at that moment. Jeff Smith had photos showing 2 Dolphin trucks at the location. I arrived at approximately 10:30 and spoke with the General Manager Mike Ferguson who informed me that there were no Dolphin personnel on site. I showed Mr. Ferguson the photos and he said he thought that they might be working for another division of BFI. The GM then phoned the manager of that division and asked [if] Dolphin personnel were working on site. He was told no. All Dolphin personnel had left the property and were not expected to return. The BFI manager informed him that Dolphin Electric could not pull permits and therefore could not do any work for any division of BFI. Later that day BFI faxed 2 purchase orders for the work Dolphin had been doing.*

*May 28, 2003*

*I received a call [from] Dolphin Electric who asked if there was [a] problem. I explained that since they had no qualifying agent and could not pull permits, that they should start no new work until they had an agent and could pull permits for the new work. I also informed him that I would be sending him a 255.00 for the work he had done that weekend.*

*I sent him a letter asking him to come in [and] sign Citation BI 20841 for \$255.00. I have attempted to contact him [by] phone to tell him he has 45 days from the date his qualifying agent resigned in which he can finish any work permitted before that date.”*

Mr. Woodcock gave testimony on behalf of Dolphin Electrical Construction, Inc. Ms. Poole stated that the correspondence received could not be authenticated because it was not on City of Jacksonville letterhead. Ms. Poole further cautioned that before the Board consider such items in the future, the Board should follow the advice of Board Counsel and ensure that the items are authenticated before bringing them for consideration.

MOTION: Mr. Bellemare motioned to DISREGARD the letter allegedly from the City of Jacksonville.

SECOND: Ms. Small.

Ms. Poole stated that the letter was not on City of Jacksonville letterhead and appeared to have been faxed from one electric company to another. Ms. Catalano stated that the letter was not signed and that photos of trucks in front of a business were not incriminating. After discussion Ms. Poole stated that she and Mr. Tibbs had approved the application. The Board voted on the earlier motion and to approve the application. The motion passed by a vote of 9 in favor and 1 opposed.

Mr. Ferreira asked if the process of issuing Dolphin Electrical Construction, Inc.’s license could be expedited. Ms. Catalano explained the process of reviewing the application by committee, the Committee’s recommendation to the full Board and then the final disposition of the application. Mr. Spence further explained that the Department’s CIU/Application staff are responsible for issuing the actual licensure letter or licenses and suggested Mr. Ferreira contact Michael Murphy, Chief CIU for additional information and assistance. Mr. Spivey stated that he would call Mr. Murphy and ask if the process to issue the license could be expedited. Mr. Spence suggested that Dolphin Electrical Construction, Inc., submit their initial license fee, proof of public liability insurance and proof of Worker’s Compensation Insurance as soon as possible to expedite the issuance of the license.

## **INFORMAL HEARINGS – Rosanna M. Catalano, Assistant Attorney General**

### **Ryan R. Jacobson**

#### **Application Denial – Certified Electrical Contractor License by Endorsement**

On February 7, 2003, Mr. Jacobson submitted an application for certified electrical contractor license by endorsement. The application was reviewed by the board at a duly announced public meeting on March 20, 2003, in Tampa, FL. The board denied the application on the grounds that Florida does not have reciprocity with Michigan as to the Electrical Contractor’s licensing requirements. The ECLB recommended to Mr. Jacobson that he take the Florida Electrical Contractor Examination.

Mr. Jacobson was present but not represented by counsel. Ms. Catalano introduced the matter for the record. The board entered into discussion regarding Mr. Jacobson’s application and experience. During discussion Ms. Catalano explained the provisions of [Section 489.511\(6\), F. S.](#) The board also discussed having the [Bureau of Education and Testing](#) conduct an analysis of the State of Michigan’s licensing examination. After discussion:

MOTION: Mr. Tibbs motioned to TABLE the application until the September 2003 meeting pending receipt of information from the DBPR/Bureau of Education and Testing regarding the Michigan test.

SECOND: Mr. Bellemare.

The board voted on the motion. The motion passed unanimously.

**Raul Hernandez**

**Application Denial – Certified Electrical Contractor License by Examination**

On or about March 6, 2003, Mr. Hernandez submitted an application for certified electrical contractor license by examination. The application was reviewed by the board at a duly announced public meeting on May 15-16, 2003, in Orlando, FL. The board denied the application on the grounds that the application failed to demonstrate that the applicant worked for a contracting business as required in [Section 489.511, F.S.](#)

Mr. Hernandez was present but not represented by counsel. Ms. Catalano introduced the matter for the record. The board entered into discussion regarding Mr. Hernandez's application and experience and employment. During discussion Ms. Catalano explained the provisions of Section 489.511(2)(c), F. S. The board also discussed school board employment status. After discussion:

MOTION: Mr. Sandefer motioned to REVERSE the denial of Mr. Hernandez's application.

SECOND: Mr. Tibbs.

The board voted on the motion. The motion passed unanimously. For the next meeting, the board recommended the Application Committee discuss the application review procedures.

**William A. Williams**

**Application Denial – Certified Specialty Electrical Contractor License by Examination; Limited Energy Systems**

On or about August 9, 2002, Mr. Williams submitted an application for certified specialty electrical contractor license by examination. The application was reviewed by the board at a duly announced public meeting on March 20, 2003, in Tampa, FL. The board denied the application on the grounds that the applicant did not meet the requirements of [Section 489.511\(2\)\(a\) 3. c., F.S.](#), because Verizon is not a governmental entity nor is it part of the Armed Forces; and the applicant failed to provide 6 years of documentation as required in Section 489.511(2)(a) 3. c., F. S.

Mr. Williams was present but not represented by counsel. Ms. Catalano introduced the matter for the record. The board entered into discussion regarding Mr. Williams' application, experience and employment. After discussion:

MOTION: Ms. Poole motioned to REVERSE the denial of Mr. Williams' application for certified specialty electrical contractor license by examination; limited energy systems.

SECOND: Mr. Mugford.

The board voted on the motion. The motion passed unanimously.

**Norman Morrissette**

**Application Denial – Certified Alarm System Contractor I License by Examination**

On or about March 19, 2003, Mr. Morrissette submitted an application for certified alarm system contractor I license by examination. The application was reviewed by the board at a duly announced public meeting on May 15-16, 2003, in Orlando, FL. The board denied the application on the grounds that the application failed to demonstrate that the applicant has good moral character as required by [Section 489.511\(2\)\(a\) 2., F.S.](#); the applicant has criminal convictions for criminal mischief and battery from an incident where the applicant assaulted a police officer; the job lists submitted failed to demonstrate sufficient experience as required by [Section 489.511\(2\)\(a\) 3., F. S.](#); and the applicant answered “yes” to question number (2) on the Financial Responsibility Questionnaire.

Mr. Morrissette was present but not represented by counsel. Ms. Catalano introduced the matter for the record. The board entered into discussion regarding Mr. Morrissette’s application, experience, employment and criminal history. After discussion:

MOTION: Mr. Bellemare motioned to AFFIRM the previous denial of Mr. Morrissette’s application.

SECOND: Mr. Mugford.

The board voted on the motion. The motion passed by a vote of 7 in favor and 4 opposed.

**RECONSIDERATIONS – Rosanna M. Catalano, Assistant Attorney General**

**Mark C. Moore**

**Application Denial – Certified Alarm System Contractor I Examination**

This matter first came before the board at a duly noticed public meeting on January 23, 2003, in Orlando, FL. The board denied the application on the grounds that installation of a smoke detector to a residential burglary system is not considered a Fire Alarm System. Subsequent to the denial, Mr. Moore, upon receipt of the Notice of Intent to Deny, submitted an Election of Rights Form, requesting to supplement his application for further review.

Mr. Moore was not present, nor represented by counsel. Ms. Catalano introduced the matter for the record. The board entered into discussion regarding Mr. Moore’s application and experience. Some members of the board expressed concern about Mr. Moore’s experience; specifically in that he did not appear to have the required 40% experience in fire alarm systems albeit he completed his application in accordance with the application instructions. After discussion:

MOTION: Mr. Sandefer motioned to AFFIRM the previous denial of Mr. Moore’s application.

SECOND: Mr. Mugford.

The board voted on the motion. The motion was tied with 4 votes in favor and 4 votes opposed. Ms. Poole, who voted, broke the tie in opposition of the motion. The motion died for lack of a majority vote.

MOTION: Mr. Tibbs motioned to REVERSE the denial of Mr. Moore’s application.

SECOND: Ms. DeBerry.

The board voted on the motion. The motion was tied with 4 votes in favor and 4 votes opposed. Ms. Poole voted in favor of the motion, thus breaking the tie. The motion to approve the application passed by a vote of 5 in favor and 4 opposed. The Rules Committee will address the issue of the required 40% experience shown in a time basis and not a jobs basis.

**Jeremy Johnson**

**Application Denial – Certified Alarm System Contractor I Examination**

On April 8, 2003, Mr. Johnson submitted an application certified alarm system contractor I examination. The application was reviewed by the board at a duly announced public meeting on May 15-16, 2003, in Orlando, FL. The board denied the application on the grounds that the financial statement submitted with the application failed to comply with [Rule 61G6-5.004, F. A. C.](#); the financial statement needed to clarify the entry of \$228,000 and \$10,000 of “other current assets”; the face value of life insurance policies are not assets; and a dwelling is not an asset and should not be reported as such on a financial statement.

Mr. Johnson was present but not represented by counsel. Ms. Catalano introduced the matter for the record. The board entered into discussion regarding Mr. Johnson’s application and supplemental information. After discussion:

MOTION: Ms. Poole motioned to REVERSE the denial of Mr. Johnson’s application.

SECOND: Mr. Mugford.

The board voted on the motion. The motion passed unanimously.

**David L. Greengrass**

**Application Denial – Certified Alarm System Contractor II Examination**

On or about August 11, 2002, Mr. Greengrass submitted an application for the certified alarm system contractor II examination. The application was reviewed by the board at a duly announced public meeting on May 15-16, 2003, in Orlando, FL, and denied on the grounds that the financial statement submitted with the application failed to comply with [Rule 61G6-5.004, F. A. C.](#); and the face value of life insurance policies are not assets.

Mr. Greengrass was not present for the proceedings nor represented by counsel. Ms. Catalano introduced the matter for the record. The board entered into discussion regarding Mr. Greengrass’ application and supplemental information. After discussion:

MOTION: Mr. Bellemare motioned to REVERSE the denial of Mr. Greengrass’ application.

SECOND: Mr. Tibbs.

The board voted on the motion. The motion passed unanimously.

**Sameh Youssef**

**Application Denial – Certified Alarm System Contractor I Examination**

On or about April 8, 2003, Mr. Youssef submitted an application for the certified alarm system contractor I examination. The application was reviewed by the board at a duly announced public meeting on May 15-16, 2003, in Orlando, FL, and denied on the grounds that the application failed to demonstrate at least 40% of work experience in the types of alarm systems typically used in a commercial setting as required in [Section 489.511 \(2\)\(c\), F.S.](#)

Mr. Youssef was present for the proceedings but not represented by counsel. Ms. Catalano introduced the matter for the record. The board entered into discussion regarding Mr. Youssef's application and supplemental information. After discussion:

MOTION: Mr. Mugford motioned to REVERSE the denial of Mr. Youssef's application.

SECOND: Mr. Bellemare.

The board voted on the motion. The motion passed unanimously.

The board then entered into discussion concerning notarized financial statements and the attest statement submitted with applications. Highlights of discussion included:

- ◆ Notarized financial statements were not being submitted in accordance with board rule.
- ◆ Opinion that the attest statement does not supersede board rules and does not apply to financial statements.
- ◆ Report that the notarized attest statement is intended to be applicable to the entire application packet.
- ◆ Notation that the current attest statement is not referenced by board rule.
- ◆ Opinion that if an application has an attest statement attached to it that indicates that everything in the application and attached thereto is true and correct to the best of the applicant's knowledge and it is signed and notarized, it can be applied to the financial statement. With regards to financial statements that are filed by individuals who do not appear before the board and who are not sworn under oath, such financial statements probably should be signed in the presence of a notary.

Ms. Catalano will research this issue and report her findings to the board.

### **MINUTES FROM THE MAY 14 -16, 2003 BOARD MEETING**

The board reviewed the minutes from the [May 14-16, 2003](#) meeting held at the Crowne Plaza Hotel Orlando Airport, 5555 Hazeltine National Drive, Orlando, FL. Mr. Tibbs suggested the minutes be corrected to reflect his attendance.

MOTION: Ms. Small motioned to APPROVE the minutes with the noted correction.

SECOND: Mr. Sandefer.

The board voted on the motion. The motion passed unanimously.

### **PROSECUTING ATTORNEY REPORT – Gail Scott-Hill, Chief Attorney**

Ms. Scott-Hill directed the board's attention to the Prosecuting Attorney's case report provided in the meeting agenda. Details of the report included the following as of June 18, 2003:

- ◆ 9-cases in the Office of the General Counsel
- ◆ 11-cases set for Probable Cause
- ◆ 2-cases set for board presentation
- ◆ 3-cases where Formal Hearings have been requested
- ◆ 1-case referred to DOAH
- ◆ 3-cases awaiting Final Order
- ◆ 1-case under Appeal

Ms. Scott-Hill directed the board's attention to the Unlicensed Activity case report provided in the meeting agenda. Laura Gaffney, Chief Attorney, Unlicensed Activities Section, Office of the General Counsel, prepared the report. Details of the report included the following as of June 18, 2003:

- ◆ 4-cases in the Office of the General Counsel
- ◆ 6-cases awaiting outside action
- ◆ 5-cases where an Administrative Complaint was filed
- ◆ 1-case where Formal Hearing has been requested
- ◆ 2-cases for Stipulation of Informal Hearing
- ◆ 4-cases ready for Default
- ◆ 5-cases awaiting Final Order

The board requested that a count of Cease & Desist Orders be available for the next meeting. Other highlights included:

- ◆ Discussion regarding insurance audits; OPS help may be available from the Department to perform the audits.
- ◆ Consideration to develop a committee of different board chairs to discuss ways and means of addressing and combating unlicensed activity.

### **LEGISLATIVE COMMITTEE REPORT – Norman Mugford**

No report.

### **RULES COMMITTEE REPORT – Kim DeBerry**

The Rules Committee reviewed proposed amendments to [Rule 61G6-7.001, F.A.C., Specialty Electrical Contractors](#); update on [Rule 61G6-5.001, F.A.C., Definitions](#); update on [Rule 61G6-5.003, F.A.C., Application for Examination for Certification](#); update on [Rule 61G6-5.012, F.A.C., Notification of Changes](#); update on [Rule 61G6-9.001, F.A.C., Continuing Education for Reactivation](#); update on [Rule 61G6-9.005, F.A.C., Registration of Course Providers](#); review of [Rule 61G6-10.002, F.A.C., Violations and Penalties](#); review of [Rule 61G6-10.003, F.A.C., Aggravating or Mitigating Circumstances](#); review of proposed [Rule 61G6-10.007, F.A.C., Probation](#); Highlights of discussion included:

- ◆ The proposed amendment to Rule 61G6-7.001, F. A. C., was withdrawn.

- ◆ Ms. Catalano stated that a Notice of Rule Development for Rules 61G6-5.001, F. A. C.; 61G6-5.003, F. A. C.; 61G6-5.012, F. A. C., had been published and was being submitted to the Board for review and approval and to proceed with rule adoption.
- ◆ Mr. Spivey reported that as rules are developed he would forward the information to the CIU/Applications Unit.
- ◆ Ms. Scott-Hill noted a scrivener's error in Rule 61G6-5.003(1)(a) 1., F. A. C., suggesting the language be changed from "years" to "year."

61G6-5.001 Definitions. As used in this chapter:

(1) through (10) No change.

(11) "Experience" means informal exposure to the trade wherein knowledge and skill is obtained via direct observation or participation in the electrical or alarm contracting trade.

(12) through (16) No change.

Specific Authority 489.505(2), 489.507(3), 489.511 FS.

Law Implemented 489.505(10), (12), 489.511(2)(a)3.c. FS.

History -- New 1-2-80, Amended 2-15-82, Formerly 21GG-5.01, Amended 2-23-86, 3-21-88, 11-26-90, 7-8-91, 5-20-92, 11-3-92, Formerly 21GG-5.001, Amended 12-26-93, 3-24-94, 7-13-95, 5-2-96, 5-6-96, 8-27-96, 2-13-97, 8-3-97, 1-4-98, 9-7-98,

61G6-5.003 Application for Examination for Certification.

(1) Any person desiring to take the certification examination must establish that he or she meets eligibility requirements according to one of the following criteria:

(a) Has, within the 6 years immediately preceding the filing of the application, at least 3 years' proven management experience in the trade or education equivalent thereto, or a combination thereof, but not more than one-half of such experience may be educational equivalent.

1. An applicant for examination who is a recipient of a degree in engineering or related field from an accredited four-year college or university may substitute his or her educational background for 1 year

of experience in the trade as an electrical contractor or an alarm contractor, provided that the applicant causes the college or university he or she attended to forward a copy of his or her transcript to the Department.

2. The experience required must include:

a. No change.

b. For an alarm contractor I, at least 40% of work that is in commercial fire alarm systems;

c. No change.

(b) - (c) No change.

(d) Has been licensed for 3 years as an engineer within the preceding 12 years.

(2) through (4) No change.

Specific Authority 489.507(3) F. S.

Law Implemented 489.505(12), (21), (22), 489.511(2), 489.521 F. S.

History -- New 1-2-80, Amended 4-17-80, 10-4-84, Formerly 21GG-5.03, Amended 12-24-87, 7-9-89, 3-13-90, 11-26-90, 7-8-91, Formerly 21GG-5.003, Amended 3-20-94, 11-30-94, 7-13-95, 1-18-96, 9-22-97.

61G6-5.012 Notification of Changes.

(1) A certificate holder or registrant shall notify the Board Office within thirty (30) days of a change in name style or address from that which appears on the current certificate of or registration and shall notify the Board Office within thirty (30) days after the qualifying person has ceased to be affiliated with the qualified business organization.

(2) - (3) No change.

Specific Authority 489.507(3) FS.

Law Implemented 455.275, 489.521(2)(a)1., (5), 489.533 FS.  
History -- New 9-1-98, Amended

MOTION: Ms. DeBerry motioned to APPROVE the changes to Rules 61G6-5.001, F. A. C.; 61G6-5.003, F. A. C.; 61G6-5.012, F. A. C.

SECOND: Mr. Bellemare.

The Committee voted on the motion. The motion passed unanimously.

- ◆ Ms. Catalano stated that a Notice of Rule Development for Rules 61G6-9.001, F. A. C.; 61G6-9.005, F. A. C., had been published and was being submitted to the Board for review and approval and to proceed with rule adoption.
- ◆ The Board entered into discussion regarding license numbers, issuance of licenses and tracking of the same. Mr. Bellemare recommended Ms. Scott-Hill review the issue and report back to the Board.

61G6-9.001 Continuing Education for Reactivation. As a condition to the reactivation of an inactive license, a licensee must submit proof of the completion of twelve (12) classroom hours of continuing education which meets the criteria set forth in Rule 61G6-9.002, F.A.C., for each year of inactive status, not to exceed 48 hours. The continuing education credits needed for reactivation must be completed within the 4 years preceding reactivation.

Specific Authority 489.507(3), 489.519 FS.

Law Implemented 489.519 FS.

History - New 1-2-80, Amended 10-13-80, Formerly 21GG-9.01, Amended 2-20-89, Formerly 21GG-9.001, Amended 12-24-97, 12-27-00,

MOTION: Mr. Bellemare motioned to APPROVE the changes to Rule 61G6-9.001, F. A. C.

SECOND: Ms. Poole.

The Committee voted on the motion. The motion passed unanimously.

61G6-9.005 Registration of Course Providers.

(1) through (10) No change.

~~(11) The course provider shall be responsible for filing with the Board, within 30 days after the course is concluded, a list of all licensees who attended a course between September 1, 2000 and April 30, 2001.~~

Specific Authority 455.2179, 455.225, 455.227, 489.507(3) FS.

Law Implemented 455.2179, 489.517, 489.531, 489.533 FS.

History --New 11-30-94, Amended 6-13-96, 10-20-96, 12-25-96, 3-24-99, 11-2-00, 9-4-01, 2-10-03

MOTION: Ms. DeBerry motioned to APPROVE the changes to Rule 61G6-9.005, F. A. C.

SECOND: Ms. Poole.

The Committee voted on the motion. The motion passed unanimously.

- ◆ Ms. Catalano stated that a Notice of Rule Development for Rules 61G6-10.002, F. A. C.; 61G6-10.003, F. A. C., and 61G6-10.007, F. A. C., had been published and was being submitted to the Board for review and approval and to proceed with rule adoption.

61G6-10.003 Aggravating or Mitigating Circumstances. When either the petitioner or respondent is able to demonstrate aggravating or mitigating circumstances to the board by clear and convincing evidence, the board shall be entitled to deviate from the above guidelines in imposing discipline upon an applicant or licensee. Absence of any such evidence of aggravating or mitigating circumstances before the hearing officer prior to the issuance of a recommended order shall not relieve the board of its duty to consider evidence of mitigating or aggravating circumstances. Based upon the following factors, the board may impose disciplinary action other than the penalties recommended above:

~~(1) The severity of the offense;~~

~~(1) (2) The degree of harm to the consumer or public;~~

~~(2) (3) The number of counts in the administrative complaint;~~

~~(4) The number of times the offenses have previously been committed by the licensee or applicant;~~

~~(3) (5) The disciplinary history of the applicant or licensee;~~

~~(4) (6) The status of the applicant or licensee at the time the offense was committed;~~

~~(5) (7) The degree of financial hardship incurred by a licensee as a result of the imposition of the fines or suspension of his practice. Any penalties imposed by the board may not exceed the maximum penalties set forth in 489.533(2), F.S.~~

Specific Authority 455.2273, 489.507(3) FS.

Law Implemented 455.2273 FS.

History - New 1-1-87, Formerly 21GG-10.003, Amended

MOTION: Ms. Poole motioned to APPROVE the changes to Rule 61G6-10.003, F. A. C.

SECOND: Mr. Bellemare.

The Committee voted on the motion. The motion passed unanimously.

61G6-10.007 Probation; Quarterly Reports Required. All probation imposed by the Board fro violations of Sections 489.531 and 489.533, F.S., shall require quarterly reports to be filed every 90 days from the date if the final order entered by the Board. The quarterly reports must be filed on the Quarterly Report Form, DPBR \_\_\_\_\_, effective \_\_\_\_\_, and incorporated by referenced. Said report is available from the Board office, and must be submitted to the Board office.

Specific Authority:

Law Implemented:

History – New \_\_\_\_\_.

MOTION: Mr. Bellemare motioned to APPROVE proposed Rule 61G6-10.007, F. A. C.

SECOND: Ms. Poole.

The Committee voted on the motion. The motion passed unanimously.

- ◆ Review of Rule 61G6-10.002, F. A. C., Violations and Penalties, was postponed until the September 2003 meeting. Ms. Scott-Hill will present draft language at this meeting.

MOTION: Ms. Poole motioned to POSTPONE the review of Rule 61G6-10.002, F. A. C.

SECOND: Mr. Bellemare.

The Committee voted on the motion. The motion passed unanimously.

- ◆ The full board approved the Committee's recommendations.

MOTION: Mr. Mugford motioned to APPROVE the Rules Committee's recommendations.

SECOND: Mr. Bellemare.

The Board voted on the motion. The motion passed unanimously.

### **FINANCIAL BUDGET LIAISON REPORT– Clarence Tibbs, Vice-Chairperson**

Mr. Tibbs reported on the transfer of funds from the ECLB to the [Department of Community Affairs](#) per [Section 489.509\(3\), F. S.](#) Highlights included:

- ◆ As of June 30, 2002 ECLB have transferred \$4,604.
- ◆ Comparatively CILB has transferred \$170,547 as of June 20, 2002.

### **UNLICENSED ACTIVITY (ULA) REPORT – Kimberly DeBerry**

Ms. DeBerry stated that she did not have a report for this segment of the meeting. Highlights of discussion included:

- ◆ The board members concurred the [Spring 2003 Newsletter](#) was very helpful and informative.
- ◆ Ms. DeBerry stated that she would like to network more with board members of other professions concerning unlicensed activity.
- ◆ Ms. Scott-Hill proposed the establishment of regular meetings where the respective Chairpersons of various boards could meet to discuss methods of combating unlicensed activity.

### **PROBATION COMMITTEE REPORT– Paul Sandefer**

The Probation Committee reviewed the probation in Case No.: 2000-06427, DBPR v. Jesus Alfonso; Case No.: 2002-00418, DBPR V. Maurice W. Parker; and Case No.: 2001-02016, DBPR v. Jesse Morris. In each case the Committee deemed that the probationers were in compliance with the terms of their respective probation.

MOTION: Mr. Sandefer motioned to APPROVE the probationary reports of Jesus Alfonso; Maurice W. Parker; and Jesse Morris.

SECOND: Mr. Langer.

The Committee voted on the motion. The motion passed unanimously. The Probation Committee's recommendation was subsequently approved by the full board.

### **EXAMINATION COMMITTEE REPORT – Clarence Tibbs, Vice-Chairperson**

The Examination Committee reviewed the March 11, 2003 Examination Challenges and discussed a proposal for a Computer Based (CBT) Business Examination. Highlights of discussion included:

- ◆ Seven candidates challenged the March 11, 2003 exam.
- ◆ Five of seven candidates received re-scores.

- ◆ Two of five candidates received passing grades after re-scoring.
- ◆ Two candidates argued that the Reference (*Contractors Manual*) to one item in the Business section of the Unlimited exam was not clear. Department consultants recommended crediting the item.
- ◆ Two, Alarm One (EF) candidates argued that the item they challenged was unclear on whether there was primary or secondary over-current protection. Department consultants recommended crediting the item.
- ◆ Mr. Tibbs will meet with Joe Muffoletto to review the feasibility of incorporating a Computer Based (CBT) Business Examination and report back to the board.

### **NEWSLETTER COMMITTEE REPORT – Roger E. Langer**

The Committee reviewed the Spring 2003 Newsletter. Highlights of discussion included:

- ◆ Newsletter is presently being mailed to all active and inactive licensees.
- ◆ Circulation totals 11,150 mailings.
- ◆ Newsletter is also available on the Department's web page at [www.myflorida.com](http://www.myflorida.com)
- ◆ Costs of printing and mailing are covered by the Administrative Trust Fund.
- ◆ The board members concurred the Spring 2003 Newsletter was very helpful and informative.
- ◆ Next scheduled newsletter will be available in the Fall of 2003.

### **ENDORSEMENT COMMITTEE REPORT – Michele Poole, Chairperson**

The Endorsement Committee requested the Bureau of Education and Testing conduct an analysis of the State of Michigan's licensing examination for purposes of endorsement and/or reciprocity.

### **APPLICATION COMMITTEE REPORT – Michele Poole, Chairperson**

The Application Committee reviewed 23 applications for examination and licensure and made its recommendations to the full board. Also present during this portion of the meeting were Ron Ferreira, Jeff Woodell and Frank Woodcock, Jr., all of Dolphin Electrical Construction, Inc. Mr. Sandefer recused himself at this time. Discussion ensued concerning the application of Frank Woodcock, Jr., to qualify Dolphin Electrical Construction, Inc.; the endorsement application of Charles H. West; and the examination application of Dennis Hamilton. After discussion the board took the following action:

MOTION: Ms. Poole motioned to APPROVE the application of Frank Woodcock, Jr., to qualify Dolphin Electrical Construction, Inc.

SECOND: Mr. Tibbs.

The board voted on the motion. The motion passed unanimously.

MOTION: Ms. Poole motioned to DENY the endorsement application of Charles H. West on the grounds that Mr. West's *North Carolina license was given per arrangement of North Carolina with South Carolina, and he did not take a North Carolina test to get his license; therefore he does not qualify to receive a Florida license with his North Carolina license per 61G6-5.009(3)(b), F.A.C.*

SECOND: Mr. Tibbs.

The board voted on the motion. The motion passed unanimously.

MOTION: Mr. Abreu motioned to APPROVE CONTINGENT, Dennis Hamilton's application for examination pending the submittal of proof of release of the June 1993 tax lien.

SECOND: Mr. Bellemare.

The board voted on the motion. The motion passed unanimously.

Ms. Poole presented the list of **Approved/Approved Contingent Applications** beginning with Paez, Nestor, and ending with Mihalich, Richard A. The Board voted unanimously to ACCEPT the list of Approved/Approved Contingent Applications – all categories.

### **Approved/Approved Contingent Applications – All Categories**

#### **Exam Candidates**

##### *Unlimited Electrical Contractor*

1. Paez, Nestor
2. Quiroz, Fausto
3. Texidor, Arnaldo

##### *Alarm System Contractor I*

- |   |                    |
|---|--------------------|
| 1. Asselin, Paul  |                    |
| 2. Brand, Thomas  | 4. Feeley, Kenneth |
| 3. Donaldson, Christopher – <i>APPROVED CONTINGENT; Applicant's work history did not have sufficient work experience, some years only showed a few months of work, 6 years claimed should equal 72 months, per 489.511(2)(a)3.c. F.S.</i> | 5. Langdon, Peter  |
|   | 6. Taylor, Hans    |
|   | 7. Vale, William   |

##### *Alarm System Contractor II*

1. Burnham, Gerald
2. Deighton, Randall
3. Van Velsor, Thomas

##### *Specialty Contractor*

##### *Limited Energy*

1. Herman, Paul
2. Miller, Christopher
3. Salter, James
4. Stroud, Donnie
5. Hamilton, Dennis – *APPROVED CONTINGENT; Approved contingent upon providing proof of release of 06/93 tax lien.*

### **Business Entity**

1. Burch, Robert  
Gulf Coast Fire and Safety Co. Inc.

### **Additional Business Entities**

1. Alonso, Angel  
Matec Corporation
2. Carlson, Richard E.  
Alarm Force USA Corp
3. Crossley, Joseph A.  
Jet Security, Inc.
4. Gay, Joseph M.  
American Directional Boring, Inc. d/b/a:  
Utility Contractors – *TABLED; Applicant did not appear, tabled to September 2003 meeting.*
5. Guidroz, Garrett Pete  
Complete Alarm, Inc.
6. Hall, Gary Dean  
Control Concepts, Inc.
7. Johnson, Dawn R.  
United Central Control, Inc. d/b/a: United Central Control (UCC)
8. Kerry, Michael  
U.S. Fire and Safety, Inc.
9. Livingston, James F.  
U-Electric
10. Miller, J. B.  
Landmark Fire & Security Systems, LLC
11. Newton, Frederick C.  
Tier Electric, Inc.
12. Petrics, Istvan.  
Mid-Atlantic Enterprises, Inc.
13. Rothwell, Ronald H.  
My Electric Company, LLC
14. Simpson, Stephen P.  
Stephen P. Simpson Electric
16. Sullivan, Joseph W.  
Dynamic Services Group, Inc.
17. Woodcock, Frank W.  
Dolphin Electrical Construction, Inc.

### **Endorsements**

1. Dickey, Timothy P.  
Masco Contractor Services Central, Inc.
2. Mihalich, Richard A.  
Midwestern Electric, Inc. - *TABLED; Tabled to September 2003 meeting pending receipt of information from DBPR/Bureau of Education and Testing regarding the Michigan test.*

Ms. Poole presented the list of **Denied Applications** beginning with Gay, Joseph M., American Directional Boring, Inc. d/b/a: Utility Contractors, and ending with West, Charles H., Wells & West, Inc. The Board voted unanimously to ACCEPT the list of Denied Applications – all categories.

## **Denied Applications – All Categories**

### **Additional Business Entities**

1. Gay, Joseph M.  
American Directional Boring, Inc. d/b/a: Utility Contractors – *TABLED; Applicant did not appear, tabled to September 2003 Meeting.*

### **Endorsements**

1. Mihalich, Richard A.  
Midwestern Electric, Inc. – *TABLED; Tabled to September 2003 meeting pending receipt of information from DBPR/Bureau of Education and Testing regarding the Michigan test.*
2. West, Charles H.  
Wells & West, Inc. – *DENIED; Applicant's North Carolina license was given per arrangement of North Carolina with South Carolina, applicant did not take a North Carolina test to get his license, therefore he does not qualify to receive a Florida license with his North Carolina license per 61G6-5.009(3)(b), F.A.C.*

## **CONTINUING EDUCATION COMMITTEE – Arnaldo L. Abreu**

Mr. Abreu presented the list of **CE Courses and FASA Courses Approved and Approved Contingent**, beginning with the HomeTech Information Systems, Inc., Seven Steps to Success in Remodeling; and ending with Koning Enterprises Inc., d/b/a: Contractors Institute, Computer Accounting. Messrs. Abreu and Bellemare entered a motion and a second respectively to ACCEPT the list of CE Courses and FASA Courses Approved and Approved Contingent. The Board voted unanimously to ACCEPT the list of CE Courses and FASA Courses Approved and Approved Contingent.

### **CE Courses and FASA Courses Approved Contingent**

#### **CE Applications**

- A. HomeTech Information Systems, Inc.
  1. Seven Steps to Success in Remodeling
- B. Florida Solar Energy Center/University of Central Florida
  1. Inspecting Solar Photovoltaic Systems
- C. Gordon "Don" Brindley Education
  1. Overcurrent Protection for Panel Boards – *APPROVED CONTINGENT; Approved contingent upon Board member to review qualifications of course instructors to determine if they're qualified to teach technical courses, per 61G6-9.007, F.A.C.*
- D. Lewellyn Technology
  1. 2002 National Electrical Code
- E. National Technology Transfer, Inc.

1. Electrical Safety Technical Training – *APPROVED CONTINGENT; Approved contingent upon receiving a properly notarized Attest Statement with a notary seal on the Attest Statement, per 61G6-9.006(1)(a), F.A.C.*
2. NEC 2002 and Grounding & Bonding of Building Electrical Systems– *APPROVED CONTINGENT; Approved contingent upon receiving a properly notarized Attest Statement with a notary seal on the Attest Statement, per 61G6-9.006(1)(a), F.A.C.*
3. Grounding & Bonding of Building Electrical Systems– *APPROVED CONTINGENT; Approved contingent upon receiving a properly notarized Attest Statement with a notary seal on the Attest Statement, per 61G6-9.006(1)(a), F.A.C.*

F. Universal Inspection Service, Inc.

1. Inspections and Plan Requirements
2. Technical Requirements of Accessible Routes and Accessible Toilets

G. Electrical Contractors Assoc. of N.W. Fla.

1. 1999 NEC Article 450-Transformers
2. Firewalls in Relation to Electrical Installation
3. Introduction to FEMA Regulations for Electrical Systems

H. Electrical Council of Florida (ECF)

1. Overview of Workers Compensation Program
2. Fundamentals of Voice, Data and Video Wiring in Residential & Commercial Applications

I. Advanced Benefits, Inc

1. Understanding Workers Comp Declaration Page
2. Understanding Workers Comp 2% Safety Credit

**Alarm System Agent Applications**

A. Bosch Security Systems

1. DS 7240 Control/Communicator
2. DSRPS 2000 & Remote Programming Software
3. PC 9000 Control Panel Management Software
4. DS 9400 Fire Alarm Control Panel

B. Hi Rise Safety

1. Advanced Fire Alarm System Technology623

C. American Protection

1. Fire Alarm System Agent – *APPROVED CONTINGENT; Upon providing a timetable breakdown to justify the 18 hours requested, per 61G6-12.002(8),F.A.C.*

2. Alarm Systems Agent - – *APPROVED CONTINGENT; Upon providing a time table breakdown to justify the 12 hours requested, per 61G6-12.002(8),F.A.C*
3. Fire Alarm System Agent CE - – *APPROVED CONTINGENT; Upon providing a time table breakdown to justify the 6 hours requested, per 61G6-12.002(8),F.A.C*

### **Reconsideration of Continuing Education Applications**

#### A. Meisner Electric, Inc.

1. Fire Alarm Systems (RECONSIDERATION) – *Approved for 14 hours credit.*

#### B. Koning Enterprises Inc., d/b/a: Contractors Institute

1. Computer Accounting (Tabled from May 15, 2003) - *Approved*

### **GENERAL SESSION**

No discussion.

### **OLD BUSINESS**

No discussion.

### **NEW BUSINESS**

- ◆ The Board discussed the issue of licensees being issued multiple license numbers.
- ◆ Ms. Scott-Hill and Mr. Spivey will research this issue and report back to the board.
- ◆ Ms. Poole suggested that board staff write a letter of thanks to Mr. and Mrs. Sandefer and the [North Florida Chapter, National Electrical Contractors' Association](#), for hosting a reception and dinner on behalf of the ECLB at the Sandefer's home.

### **BOARD COUNSEL'S REPORT – Rosanna M. Catalano, Asst. Attorney General**

Ms. Catalano presented her report to the board. Highlights of the report included:

- ◆ Discussion on Orders and Notices of Intent to Deny. Ms. Catalano reminded the board to be sure to base their decisions on statutory and rule requirements when citing reasons for denial.
- ◆ Memorandum on board member advice. Ms. Catalano reminded the board to use caution when responding to public inquiries or matters concerning the ECLB.
- ◆ Discussion on background checks of applicants and [Chapter 471, F.S.](#) Ms. Catalano advised the board that the board could not draft rule language to require background checks because such a requirement would have to be implemented by statute. Ms. Catalano reported that the requested amendment to [Rule 61G6-5.001, F. A. C.](#), concerning electrical contracting design limits could not be implemented because the requested change directly contradicts provisions of Chapter 471, F.S. Ms. Catalano stated that she understood through counsel, the [Florida Board of Professional Engineers \(FBPE\)](#) would welcome some input from the ECLB in addressing this issue, provided that health, safety and welfare issues were not impacted. Ms. Catalano suggested opening communications with the BOPE either through meetings with respective board chairpersons, or through correspondence.
- ◆ Correspondence to Bob Hilterbrick, BACH Sign Group, Inc. Ms. Catalano provided a copy of her letter to Mr. Hilterbrick regarding electrical sign contractors.

- ◆ Memorandum on [Sunshine Law](#) and W. D. Childers. Ms. Catalano reminded the board of the requirements of Sunshine Law and the possible consequences of violating the Sunshine Law.

### **EXECUTIVE DIRECTOR'S REPORT – Anthony B. Spivey**

Mr. Spivey made his report to the board. Highlights of Mr. Spivey's report included:

- ◆ Mr. Spivey reminded the board members to make sure their hotel invoices reflected a "0-balance."
- ◆ The [National Association of State Contractors Licensing Agencies \(NASCLA\)](#) annual conference will be held on September 9 – 12, 2003, in San Diego, CA. The Chairperson and Executive Director will attend.
- ◆ Mr. Spivey reported that he had contacted Deputy Fire Chief, John Johnson, City of Boca Raton concerning the recently adopted requirement for UL Certified Alarm System installations. Mr. Spivey stated that Mr. Johnson informed him that the UL Certification requirement had been adopted by the City of Boca Raton as an Ordinance and the City of Boca Raton intends to keep the Ordinance in place. Bob Neely, Executive Director, Alarm Association of Florida, reported that the issue involves third party verification and expressed the opinion that a governmental agency should not be able to specify a single private entity as the sole source of verification. Ms. Catalano will research the issue and direct correspondence to the City of Boca Raton concerning this issue.
- ◆ Mr. Spivey informed the board that the Department has implemented methods and systems to track and audit licensees who have completed the required 4-hour Core Course for the Unified Florida Building Code. Further information is available on the Department's web site at [www.myflorida.com](http://www.myflorida.com)
- ◆ Mr. Spivey provided copies of correspondence to Gerardo Vilas concerning Mr. Vilas' request for an upgrade from ES license to EF license.
- ◆ Mr. Spivey provided copies of correspondence to Jed Mitchell, Thrift Electric, Inc., regarding granting of an emergency registration pursuant to [Section 489.523, F. S.](#)
- ◆ Mr. Mugford asked that board staff ensure that orders to suspend licenses were being followed through by board staff.
- ◆ Mr. Tibbs stated that the [www.myflorida.com](http://www.myflorida.com) web page was recently revamped and in its current state was too difficult to use. Other board members concurred.

### **CHAIRPERSON'S COMMENTS - Michele Poole**

- ◆ Ms. Poole thanked Ms. Catalano for providing a wealth of organizational information to the board.
- ◆ Ms. Poole invited the board and staff to her home for a gathering during the September 2003 meeting to be held in Palm Beach.
- ◆ Ms. Poole reported that Ms. Scott-Hill has invited the board and staff to her home for a gathering during the November 2003 meeting to be held in Tallahassee.
- ◆ Ms. Poole thanked everyone for a good meeting and wished everyone a safe return trip.

Ms. DeBerry and Mr. Roberts entered a motion and a second to adjourn, respectively. Motion passed unanimously.