

**MINUTES FROM THE
SEPTEMBER 18-19, 2003
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING**

**The Colony Hotel Palm Beach
155 Hammon Avenue
Palm Beach, FL 33480
Tel: (561) 655-5430**

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

PLEDGE OF ALLEGIANCE AND INVOCATION – Ms. Small and Messrs. Sandefer, and Abreu.

ROLL CALL- Members Present

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

OTHERS PRESENT

Anthony B. Spivey, Executive Director
Gregory Spence, Government Analyst
Rosanna M. Catalano, Assistant Attorney General
Mary Ellen Clark, Assistant Attorney General
Gail Scott-Hill, Chief Attorney
Mary Clare LeBlanc, Court Reporter, McMahon Reporting, Inc.

DISCIPLINARY CASES – Gail Scott-Hill, Chief Attorney

James Kelly Calhoun
ER 0013845

Case No.: 2002-010474

Motion for Default and Final Order

Recused: Mugford, Kiner & Small

Per the respondent's request, this case was CONTINUED from the July 10-11, 2003 meeting of the Board held in Jacksonville, FL.

On February 20, 2003, the Department filed an Administrative Complaint in Case No.: 2002-010474 charging the respondent with a violation of [Section 489.533\(1\)\(a\), Florida Statutes \(F. S.\)](#), through a violation of [Section 455.227\(1\)\(q\), F. S.](#), by failing to comply with terms of a lawful order of the department or the board. The Administrative Complaint and Explanation of Rights, and Election of Rights form were properly served by hand service on March 28, 2003. The respondent's response to the Administrative Complaint was due on or before April 18, 2003. Mr. Calhoun failed to respond timely and thereby waived his right to request a hearing in accordance with [Section 120.57, F. S.](#), and [Rule 28-106.111\(4\), Florida Administrative Code \(F. A. C.\)](#).

On November 30, 2000 Final Order No.: BPR 2000-04446 was filed in Case No.: 99-07871 charging Mr. Calhoun with a violation of [Section 489.533\(1\)\(a\), F. S.](#), through a violation of [Section 455.227\(1\)\(k\), F. S.](#), by failing to perform any statutory or legal obligation placed upon a licensee. Mr. Calhoun was assessed a penalty requiring him to pay an administrative fine in the amount of \$401.00 and administrative costs in the amount of \$364.24 and suspension of licensure until he satisfied a judgement of \$15,961.04 obtained against Calhoun Electric Service, Inc. The suspension of licensure was stayed if Mr. Calhoun entered into a repayment agreement on the judgement, submitted quarterly reports to the board, provided documentation of the repayment agreement with the first quarterly report, and complied with the repayment agreement. Mr. Calhoun failed to pay the fine and costs imposed by the Final Order, he had not submitted any quarterly reports in accordance with the terms of the Final Order and did not provide any evidence of having entered into a repayment schedule on the civil judgement or otherwise having complied with the terms of the Final Order filed in Case No.: 99-07871.

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

MOTION: Mr. Abreu motioned to find Mr. Calhoun 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. Bellemare.

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

MOTION: Mr. Bellemare motioned to assess a penalty of \$604.01 administrative costs; a \$2,000 administrative fine and revocation of Mr. Calhoun's license.

SECOND: Mr. Langer.

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

APPLICATION COMMITTEE – Michele Poole, Chairperson

Second Business Applications

Present during this portion of the meeting were: Joseph M. Gay, American Directional Boring, Inc. d/b/a ADB Utility Contractors; Fernando Gimeno, Jupiter Electrical Services, Inc.; Terry S. Pendergrass, Southwest Underground, Inc.; Alexis F. Perez, A-1 Fire Equipment Corp.; Steven Scott, Innovation U.S.A. Trading, Inc.; Lewis C. Spasiano, Marclite Electric, Inc.; Thomas Strickland, Strickland International Corp d/b/a: Strickland Electric; David Weston, Clean Sweep, LLC; Roger S. Williams and Carl Wagner, The Wagner Electric Sign Company; Darwin Yovaish, Central Florida Electric, Inc.; Ronald R., Rennhack, and Kyle Zebbe, Ameritech Security Services, Inc., John Flynn, A-One Electrical Service, Inc., (Transfer Application); and Nathan Aydelette, (Certified Alarm Contractor I Exam).

Mr. Spivey swore in each applicant and those persons providing testimony on behalf of an applicant. During the review each applicant and their respective designees were 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 of the license holders:

- ◆ *“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.

During the application review and interview of Ronald R., Rennhack, Ameritech Security Services, Inc., the Board expressed significant concern regarding Mr. Rennhack's ability and intent to supervise a third business and his demonstrated lack of understanding the full scope of his responsibilities as primary qualifying agent. After further discussion with Mr. Rennhack and Kyle Zbeeb, President of Ameritech Security Services, Inc., the Application Committee recommended Mr. Rennhack's application to qualify

an additional business be DENIED on the grounds that Mr. Rennhack did not demonstrate the capacity and intent to adequately supervise each business in accordance with [Section 489.521\(8\), F. S.](#)

INFORMAL HEARINGS – Rosanna M. Catalano, Assistant Attorney General

Ms. Catalano introduced Mary Ellen Clark, Assistant Attorney General. Ms. Clark will supersede Ms. Catalano as Board Counsel at the close of this meeting. Ms. Clark is a former Department Prosecutor and Hearing Officer for the Department of Highway Safety and Motor Vehicles and has extensive experience with the professional boards under the Department. The board welcomed Ms. Clark.

Gam Perodim

Application Denial – Certified Alarm System Contractor II Examination

On December 4, 2002, Mr. Perodim submitted an application for 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. The board denied the application on the grounds that the financial statement submitted with the application failed to comply with [Rule 61G6-5.003, F. A. C.](#), because it showed a negative net worth and the application failed to meet the work experience requirements in [Section 489.511\(2\)\(a\) 3., F. S.](#), because Mr. Perodim has not worked in the contracting business as his employer, Circuit City, is not an electrical or alarm system contracting business. It was later determined that Circuit City is duly qualified as an electrical or alarm system contracting business, qualified by Larry Dean Cravey, license number EG 0000133.

Mr. Perodim was present but not represented by counsel. Mr. Spivey administered the oath. Ms. Catalano introduced the matter for the record.

MOTION: Mr. Tibbs motioned to RECONSIDER Mr. Perodim's application.

SECOND: Mr. Bellemare.

The board voted on the motion. The motion passed unanimously. The board entered into discussion regarding Mr. Perodim's application, financial history and experience. After discussion:

MOTION: Mr. Bellemare motioned to REVERSE the previous denial and APPROVE Mr. Perodim's application for certified alarm system contractor II examination.

SECOND: Ms. Small.

The board voted on the motion. The motion passed unanimously. Mr. Perodim requested he be allowed to sit for the March 9, 2004 examination. The Board granted his request.

Eddie D. Poe

Application Denial – Certified Electrical Contractor License by Endorsement

On or about April 1, 2003, Mr. Poe submitted an application for certified electrical contractor license by endorsement from the State of Alabama. 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 Mr. Poe's Alabama license is not approved for reciprocity, as required by [Section 489.511\(6\)\(b\), F. S.](#)

Mr. Poe was present but not represented by counsel. Mr. Spivey administered the oath. Ms. Catalano introduced the matter for the record. The board entered into discussion regarding Mr. Poe's application, experience, examination history and the previous endorsement agreement with the State of Alabama. During discussion Ms. Catalano explained the provisions of [Section 489.511\(6\), F. S.](#) Mr. Abreu directed Board staff to discover on what date the now defunct endorsement agreement with the State of Alabama came into existence and what were the dates of the examinations evaluated for this purpose. After discussion:

MOTION: Ms. Small motioned to REVERSE the denial of Mr. Poe's application.

SECOND: Mr. Tibbs.

The board voted on the motion. The motion died for lack of a majority vote with 4 in favor and 6 opposed. Subsequently, Ms. Catalano asked Mr. Poe if he'd be willing to waive his right to have the board take action on his application at this time so that further discovery of the previous endorsement agreement with the State of Alabama could be made. Mr. Poe stated affirmatively that he would waive that right.

MOTION: Mr. Abreu motioned to CONTINUE the matter until the November 2003 meeting of the board pending discovery of on what date the now defunct endorsement agreement with the State of Alabama came into existence and what were the dates of the examinations evaluated for this purpose and a comprehensive review of Mr. Poe's State of Alabama examination be conducted by the Bureau of Education and Testing (BET).

SECOND: Mr. Bellemare.

The board voted on the motion. The motion passed unanimously. Mr. Kiner suggested that Board staff also reviews and reports the effective dates of all current endorsement agreements with other jurisdictions.

RECONSIDERATIONS – Rosanna M. Catalano, Assistant Attorney General

McVorrán Burnett

Application Denial – Certified Electrical Contractor by Endorsement

This matter first came before the board at a duly noticed public meeting on May 15-16, 2003, in Orlando, FL. The board denied the application on the grounds that Mr. Burnett's New Jersey license is not approved for reciprocity, as required by [Section 489.511\(6\)\(b\), F. S.](#) Subsequent to the denial, Mr. Burnett, upon receipt of the Notice of Intent to Deny, submitted an Election of Rights Form, requesting to supplement his application for further review.

Mr. Burnett was present, but not represented by counsel. Mr. Spivey administered the oath. Ms. Catalano introduced the matter for the record.

MOTION: Mr. Sandefer motioned to RECONSIDER Mr. McVorrán's application.

SECOND: Mr. Abreu.

The board entered into discussion regarding Mr. Burnett's application and experience. During discussion board staff stated that New Jersey contracts with Experior (formerly Block and Associates), to administer its licensing examination and that Experior will not release any of its

examination information to the Department. Mr. Abreu suggested that board staff contact the State of New Jersey directly for information concerning Mr. McVorrán's licensure exam in the State of New Jersey. Subsequently, Ms. Catalano asked Mr. McVorrán if he'd be willing to waive his right to have the board take action on his application at this time so that further information from the State of New Jersey regarding his licensing examination could be received and a comprehensive review of Mr. McVorrán's State of New Jersey examination could be conducted by the BET. After discussion:

MOTION: Mr. Abreu motioned to CONTINUE the matter until the November 2003 meeting of the board pending receipt of information from the State of New Jersey regarding the licensing examination Mr. McVorrán completed and a comprehensive review of Mr. McVorrán's State of New Jersey examination be conducted by the BET.

SECOND: Mr. Bellemare.

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

Bradley Crow
Application Denial – Certified Alarm System Contractor II Examination

On or about December 12, 2002, Mr. Crow 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. The board denied the application on the grounds that the job history failed to demonstrate sufficient experience as required in [Section 489.511\(2\)\(a\) 3., F. S.](#) Subsequent to the denial, Mr. Crow, upon receipt of the Notice of Intent to Deny, submitted an Election of Rights Form, requesting to supplement his application for further review.

Mr. Crow was present but not represented by counsel. Ms. Catalano introduced the matter for the record. Mr. Spivey administered the oath.

MOTION: Mr. Sandefer motioned to RECONSIDER Mr. Crow's application.

SECOND: Mr. Bellemare.

The board entered into discussion regarding Mr. Crow's application and supplemental information. After discussion:

MOTION: Mr. Kiner motioned to REVERSE the denial of Mr. Crow's application.

SECOND: Mr. Mugford.

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

Christopher Donaldson
Application Classification – Certified Alarm System Contractor I Examination

On or about August 8, 2003, Mr. Donaldson 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 July 10-11, 2003, in Jacksonville, FL, and APPROVED CONTINGENT pending Mr. Donaldson submitting to the board documentation showing 6-years (72 months) of sufficient work experience in accordance with [Section 489.511\(2\)\(a\) 3., F. S.](#) Upon receipt of the Notice of Intent to

Deny, Mr. Donaldson, submitted an Election of Rights Form, requesting to supplement his application for further review. Mr. Donaldson was not present for the proceedings nor represented by counsel. Ms. Catalano introduced the matter for the record.

MOTION: Mr. Sandefer motioned to RECONSIDER Mr. Crow's application.

SECOND: Mr. Tibbs.

The board entered into discussion regarding Mr. Donaldson's application, experience and supplemental information. After discussion:

MOTION: Mr. Tibbs motioned to enter a determination that the supplemental material submitted by Mr. Donaldson met the requirements of [Section 489.511\(2\)\(a\) 3., F. S.](#), and to REVERSE the denial of Mr. Donaldson's application.

SECOND: Mr. Roberts.

The board voted on the motion. The motion passed by a majority vote of 9 in favor and 2 opposed.

Juan C. Medell Application Denial – Certified Electrical Contractor Examination

On or about December 18, 2002, Mr. Medell submitted an application for the certified electrical contractor examination. The application was reviewed by the board at a duly announced public meeting on March 20, 2003, in Tampa, FL, and denied on the grounds that Mr. Medell failed to meet the experience requirements of [Section 489.511\(2\)\(a\), F. S.](#), because the dates of his work experience were not listed on the application. Upon receipt of the Notice of Intent to Deny, Mr. Medell failed to submit an Election of Rights Form, within the allotted 21-day time frame in accordance with [Section 120.57, F. S.](#), and [Rule 28-106.111\(4\), F. A. C.](#)

Mr. Medell was not present for the proceedings nor represented by counsel. Ms. Catalano introduced the matter for the record reminding the board that the Elections of Rights had not been executed timely.

MOTION: Mr. Tibbs motioned to RECONSIDER Mr. Medell's application.

SECOND: Mr. Abreu.

The board entered into discussion regarding Mr. Medell's application and supplemental information. After discussion:

MOTION: Mr. Tibbs motioned to RESCIND the previous denial and to APPROVE Mr. Medell's application for certified electrical contractor examination.

SECOND: Mr. Abreu.

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

MINUTES FROM THE JULY 10-11, 2003 BOARD MEETING

The board reviewed the minutes from the [July 10-11, 2003](#) meeting held at the Omni Jacksonville Hotel, 245 Water Street, Jacksonville, FL.

MOTION: Mr. Sandefer motioned to APPROVE the minutes.

SECOND: Ms. Small.

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

PROSECUTING ATTORNEY'S 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 August 29, 2003:

- ◆ 11-cases in the Office of the General Counsel
- ◆ 25-cases set for Probable Cause
- ◆ 1-case set for Board Presentation
- ◆ 2-cases where Formal Hearings have been requested
- ◆ 1-case referred to DOAH
- ◆ 0-cases awaiting Final Order
- ◆ 0-cases 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 (OGC), prepared the report. Ms. Scott-Hill suggested Ms. Gaffney be invited to the November 2003 meeting of the board in Tallahassee, FL to give further details of her activities with the Unlicensed Activities Section, OGC. Details of the report included the following:

- ◆ 21-cases in the Office of the General Counsel
- ◆ 3-cases awaiting further Investigation/Expert Report
- ◆ 0-cases awaiting Probable Cause determination
- ◆ 6-cases where an Administrative Complaint was filed
- ◆ 1-case where Informal Hearing has been requested
- ◆ 0-cases where Formal Hearing has been requested
- ◆ 2-cases ready for Default/Failed to respond to Administrative Complaint
- ◆ 9-cases where hearing has been held; awaiting Final Order
- ◆ 0-cases on appeal

LEGISLATIVE COMMITTEE REPORT – Norman Mugford

No report.

RULES COMMITTEE REPORT – Kim DeBerry

Ms. Catalano provided a Rules Report for the month of September 2003. Highlights of the report included:

Rule	Title	Published	Approved	Noticed	Adopted	Effective
61G6-5.001	Definitions	6/13/03	7/11/03	8/08/03	9/11/03	10/01/03
61G6-5.003	Application for Examination	6/13/03	7/11/03	8/08/03	9/11/03	10/01/03
61G6-5.012	Notification of	6/13/03	7/11/03	8/08/03	9/11/03	10/01/03

September 18-19, 2003
ECLB Meeting Minutes

Changes						
61G6-9.001	Continuing Education for Reactivation	6/13/03	7/11/03	8/08/03	9/11/03	10/01/03
61G6-9.005	Registration of Course Providers	6/13/03	7/11/03	8/08/03	9/11/03	10/01/03
61G6-10.003	Aggravating or Mitigating Circumstances	6/13/03	7/11/03	8/08/03	9/11/03	10/01/03
61G6-10.002	Disciplinary Guidelines	6/13/03				
61G6-10.007	Probation	6/13/03				
61G6-5.001	Definitions	12/06/02		1/31/03		

Details of the rule amendments are as follows:

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 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

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,

61G6-9.005 Registration of Course Providers.

(1) through (10) No change.

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

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 degree of harm to the consumer or public;
- (2) The number of counts in the administrative complaint;
- (3) The disciplinary history of the applicant or licensee;
- (4) The status of the applicant or licensee at the time the offense was committed;
- (5) 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

Rule 61G6-5.001, F. A. C., Definitions; was developed, with amended language, in December 2002. The Rules Committee further amended the proposed language in response to comments received from the Joint Administrative Procedures Committee (JAPC) and a Notice of Change was published on February 14, 2003. The rule was subsequently tolled and currently remains on hold pending further consideration by the board. The amended rule text is as follows:

(5) "Electrical contractor or unlimited electrical contractor" means a person as defined in Section 489.505(12), F.S., whose scope of practice is not limited to a specific segment of electrical contracting. An electrical contractor or unlimited electrical contractor shall be either certified or registered. A certified electrical contractor is licensed to design electrical services up to 800 amps, up to 600 volts maximum.

Rule 61G6-10.007, F. A. C., Probation; was developed without text in June 2003. A Rulemaking Notice was filed and Ms. Catalano will review this rule to ascertain its current disposition. A report will be provided to the board at a later date.

The Committee engaged in discussion regarding Rule 61G6-10.002, F. A. C., Disciplinary Guidelines. The Committee recommended amending the rule to include sub-paragraph (15)(g). The text of the proposed amendment is as follows:

(g) Failure to comply with Section 489.518(1), F. S., or Section 489.5185, F. S. First violation: \$500 to \$1000 fine plus proof of compliance; repeat violation: \$1000 to \$2,500 fine plus probation, or suspension and proof of compliance.

MOTION: Mr. Bellemare motioned to APPROVE the proposed amendment to Rule 61G6-10.002, F. A. C., Disciplinary Guidelines.

SECOND: Ms. DeBerry.

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

Mr. Tibbs introduced discussion regarding "Piece Labor", or "Piece Meal Work." Highlights of discussion included:

- ◆ The Electrical Contractors' Licensing Board (ECLB) has no statutory language or rule language governing "piece meal work."
- ◆ Many licensed contractors hire unlicensed persons to perform "piece meal work" to avoid paying Federal Insurance Contributions Act (F. I. C. A.) withholding taxes and providing Worker's Compensation coverage.
- ◆ Contractors who pay cash to unlicensed persons are able to "low-ball" other competitors for contracts.
- ◆ Hiring persons to perform "piece meal work" may be construed as aiding and abetting unlicensed activity and place at risk the consumers' health, safety and welfare.
- ◆ Mr. Langer will prepare an article for the next ECLB newsletter.
- ◆ Mr. Spivey will address this issue with the Department and report back to the board at the November 2003 meeting in Tallahassee, FL.

FINANCIAL BUDGET LIAISON REPORT– Clarence Tibbs, Vice-Chairperson

No report.

UNLICENSED ACTIVITY (ULA) REPORT – Kimberly DeBerry

Mr. Spivey will address to the Department consideration to develop a committee of different board chairs to discuss ways and means of addressing and combating unlicensed activity. Mr. Tibbs will also address this issue at the September 30 – October 1, 2003, Board Member Training Program scheduled to take place in Tallahassee, FL.

PROBATION COMMITTEE REPORT– Paul Sandefer

The Probation Committee reviewed the probation in Case No.: 95-09436, DBPR v. Bryan Williams; 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.

EXAMINATION COMMITTEE REPORT – Clarence Tibbs, Vice-Chairperson

Mr. Tibbs reported on the July 8, 2003 Examination Summary. Details of the report included:

Florida Electrical Contractors' Examination
July 8, 2003
Orlando, Florida

Examination Category	Number of Candidates	Number of Candidates Receiving Passing Scores	Percentage Passing	Percentage Failing
Unlimited Electrical	31	16	51.6%	48.4%
Residential	2	2	100%	0%
Alarm I*	12	6	50%	50%
Alarm II**	15	7	46.7%	53.3%

Limited Energy	15	7	46.7%	53.3%
Sign Specialty	4	3	75%	25%
Lighting Maintenance	1	1	100%	0%
Utility Line	1	1	100%	0%
TOTAL	81	43	53.1%	46.9%

*Includes 1 Special Accommodations Candidate

**Includes 1 Special Accommodations Candidate

Mr. Tibbs provided an update regarding the board's consideration to implement a Computer Based Testing (CBT) business examination. The CBT would be based on an existing exam used by the [Construction Industry Licensing Board \(CILB\)](#). Highlights of discussion included:

- ◆ The exam grade would be valid for a period of 1-year.
- ◆ Candidates who failed the exam 3-times could be required to complete additional continuing education (CE) and to reapply for examination.
- ◆ Consideration that the business exams for CILB and ECLB be uniform.
- ◆ The exam could consist of 50 questions.
- ◆ The CBT business exam could be offered daily.
- ◆ The present ECLB exams are offered 3-times a year; more frequent administrations are unlikely to occur.

The board recommended that the BET proceed with further review of implementing a CBT business examination. The board would also like to review the exam "blueprint" at the November 2003 meeting.

Mr. Tibbs also reported on a growing concern of exam candidates; specifically, the costs of exam references and study books. Mr. Tibbs stated that the BET had been successful in negotiating a method of relief with respect to the two most expensive references required for the exam. Highlights of discussion included:

- ◆ Exam reference books total costs are between \$1500 and \$2000.
- ◆ References Underwriters Laboratories (UL) 681 and UL 365 are almost \$800 for the pair.
- ◆ UL will allow ECLB exam candidates to download UL 681 and UL 365 from the Internet at no cost.
- ◆ Instructions for downloading the UL publications at no cost are available at the [ECLB webpage](#).

ENDORSEMENT COMMITTEE REPORT – Jeffrey M. Kiner

The Endorsement Committee reviewed the current Endorsement/Reciprocity Matrix. The Committee also recommended that ALL endorsement candidates appear before the board for application review and personal interview.

The Committee reviewed correspondence from Joe Muffoletto, BET concerning the State of Alabama's licensing examination. Board staff on behalf of endorsement applicant Eddie D. Poe, had contacted the BET and inquired about the possibility of obtaining examination information from Experior (formerly Block & Associates) regarding the examination Mr. Poe completed in the State of Alabama. Mr. Muffoletto informed board staff of the following:

- ◆ Block & Associates no longer exist and they did not keep any of their records.
- ◆ Experior, formerly Block & Associates, has been contacted in the past and WILL NOT release any examination information.

The Committee reviewed correspondence from Joe Muffoletto, BET to the State of Michigan regarding its licensing examination. The letter was sent to the State of Michigan on July 18, 2003 on behalf of

endorsement applicants Ryan Jacobson and Richard Mihalich, both licensed Master Electricians in the State of Michigan. The applications of Messrs. Jacobson and Mihalich were reviewed at the July 10-11, 2003 meeting of the board in Jacksonville, FL and TABLED pending a review of the State of Michigan's licensing exam. To date, the State of Michigan has not completed the BET's Examination Evaluation Questionnaire (EEQ). The EEQ was requested to be returned to the BET on or before August 29, 2003.

The Committee also discussed the possibility of developing additional rules regarding endorsement. Messrs. Tibbs and Kiner will discuss ideas with Mr. Muffoletto and report back to the Rules Committee for review and consideration.

Also present during this portion of the meeting was Carl Wagner an endorsement candidate from the State of California. Mr. Wagner holds a current and active Electrical Sign Specialty Contractor (C-45) license from the State of California and had applied for certified electrical sign specialty contractor license (ES) in the State of Florida. Mr. Wagner was not represented by counsel. Mr. Spivey administered the oath.

The board entered into discussion regarding Mr. Wagner's application, experience, examination history and the BET's current endorsement recommendation for the State of California. During discussion Ms. Catalano explained the provisions of [Section 489.511\(6\), F. S.](#) Mr. Tibbs stated that at the recent [National Association of State Contractor Licensing Agencies \(NASCLA\)](#) Annual Convention, held in San Diego, CA, an item of discussion was just how difficult the California licensing exams are because they're closed book examinations. California reportedly has the most difficult exams in the nation. After discussion:

MOTION: Mr. Tibbs motioned to APPROVE Mr. Wagner's application for certified electrical sign specialty contractor.

SECOND: Mr. Kiner.

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

APPLICATION COMMITTEE REPORT – Jeffrey M. Kiner

Mr. Kiner presented the list of Approved/Approved Contingent Applications beginning with *Gay, Joseph M., American Directional Boring, Inc., d/b/a: Utility Contractors* and ending with *Simpson, Richard, Vector Security, Inc.* The application of Gail Bowen for certified alarm system contractor II exam was considered separately. On the advice of Board Counsel no action was taken on the application of Stephen J. Borgman as a hearing was not granted by the board and was not publicly noticed.

MOTION: Mr. Sandefer motioned to APPROVE the list of Approved Applications all categories.

SECOND: Mr. Tibbs.

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

MOTION: Mr. Kiner motioned to APPROVE CONTINGENT the application of Gail Bowen for certified alarm system contractor II exam.

SECOND: Ms. Small.

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

Approved/Approved Contingent Applications – All Categories

ADDITIONAL BUSINESS ENTITES

- | | | |
|--|--|---|
| 1. Gay, Joseph M.
American Directional
Boring, Inc. d/b/a ADB
Utility Contractors | 4. Perez, Alexis F.
A-1 Fire Equipment Corp | Strickland International
Corp d/b/a Strickland
Electric |
| 2. Gimeno, Fernando
Jupiter Electrical Services,
Inc. | 5. Scott, Steven
Innovation U.S.A. Trading,
Inc. | 8. Weston, David
Clean Sweep, LLC |
| 3. Pendergrass, Terry S.
Southwest Underground,
Inc. | 6. Spasiano, Lewis C.
Marclite Electric, Inc. | 9. Williams, Roger S.
The Wagner Electric Sign
Company |
| | 7. Strickland, Thomas | 10. Yovaish, Darwin
Central Florida Electric, Inc. |

ENDORSEMENTS

- | | |
|---------------------------------------|--|
| 1. Houston, Clark
Houston Electric | 2. Wagner, Carl W.
The Wagner Electric Sign Co. |
|---------------------------------------|--|

TRANSFERS

- | | |
|--|---|
| 1. Flynn, John M
A-One Electrical Service, Inc. | 2. Henry, William E.
Universal Security & Investigations Group, Inc. |
|--|---|

CERTIFICATION OF REGISTERED LICENSE (GRANDFATHERING)

- | | |
|---|--|
| 1. Lersch, Jerry
Lersch Electric Co. | 2. Montgomery, Donald R.
(Inactive) |
|---|--|

RECONSIDERATION

1. Pride, Walter D.

UNLIMITED ELECTRICAL CONTRACTOR EXAM

- | | | |
|---------------------|------------------------|------------------------|
| 1. Adams, Scott | 9. Howe, Dennis | 17. Plough, Bradley |
| 2. Allman, Michael | 10. Lawson, Ryan | 18. Rutemiller, Robert |
| 3. Arrebola, Carlos | 11. Leckie, Brent | 19. Rodriguez, Eric |
| 4. Belsky, David | 12. Mihalich, Richard | 20. Santos, Alexander |
| 5. Besancon, Kevin | 13. Nelson, Carl | 21. Smale, Brandeon |
| 6. Burns, Fredrick | 14. Ortiz, Fernando | 22. Thomas, James |
| 7. Coleman, James | 15. Paul-Hus, Stephane | 23. Tole, Wesley |
| 8. Foley, Terrance | 16. Peterson, Michael | 24. Wehrhahn, George |

CERTIFIED ALARM CONTRACTOR I EXAM

- | | | |
|----------------------|------------------|------------------|
| 1. Aydelette, Nathan | 2. Beck, Malcolm | 3. Bush, Michael |
|----------------------|------------------|------------------|

- | | | |
|---------------------|----------------------|-----------------------|
| 4. Erickson, Robert | 8. Mahoney, Michael | 12. Raizen, David |
| 5. Foote, Charles | 9. Martinez, William | 13. Smith, David |
| 6. Goulet, Daniel | 10. Pakula, Michael | 14. Williams, Bernard |
| 7. Jofko, Robert | 11. Paradoa, Julio | |

CERTIFIED ALARM CONTRACTOR II EXAM

- | | | |
|--|-------------------|-----------------------|
| 1. Amendolare, Michael | 4. Briggs, Daniel | 10. Osborne, Scott |
| 2. Bermudez, Victor | 5. Hall, Jesse | 11. Roether, Scott |
| 3. Bowen, Gail – APPROVED
CONTINGENT; <i>pending
verification that Strategic
Technologies, Inc., is a
licensed Alarm System
Contractor and a subsidiary
of Lennar Homes, Inc.</i> | 6. Huot, Guy | 12. Taylor, Kevin |
| | 7. Jones, Roy | 13. Valdes, Jose |
| | 8. King, Paul | 14. Van Sciver, Adele |
| | 9. Mader, Michael | |

CERTIFIED SPECIALTY ELECTRICAL CONTRACTOR EXAM

RESIDENTIAL

- | | | |
|------------------|------------------|-------------------|
| 1. Cabrera, Jody | 2. Leblanc, Luke | 3. Moore, Michael |
|------------------|------------------|-------------------|

LIMITED ENERGY

- | | | |
|-------------------|-------------------|-----------------------|
| 1. Columbus, Gary | 4. Raskin, Jason | 7. Utter, Michael |
| 2. Meier, Terry | 5. Rowat, Thomas | 8. Valentino, William |
| 3. Nimmo, Lee | 6. Suero, Orlando | 9. Wilson, Charles |

UTILITY LINE

1. Miller, Kurt

SIGN SPECIALTY

1. Hansen, Seth

RECONSIDERATION

1. Borgman, Stephen – NO ACTION; *a hearing was not granted and was not publicly noticed.*

BUSINESS ENTITY

1. Simpson, Richard, Vector Security Inc.,

Mr. Kiner presented the list of Denied Applications beginning with *Rennhack, Ronald R., American Security Services, Inc.*, and ending with *Gonzalez, Josie; certified alarm system contractor I exam.* The Board voted unanimously to ACCEPT the list of Denied Applications all categories.

MOTION: Mr. Kiner motioned to ACCEPT the list of Denied Applications all categories.

SECOND: Ms. Small.

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

Denied Applications – All Categories

ADDITIONAL BUSINESS ENTITES

1. Rennhack, Ronald R., Ameritech Security Services, Inc. – DENIED; upon testifying applicant did not *demonstrate capacity and intent to adequately supervise each business in accordance with Section 489.521(8), F. S.*

ENDORSEMENTS

1. Christopherson, Mark A., Reinicke Athens, Inc. – DENIED; *applicant's North Carolina license was obtained by reciprocity agreement between North Carolina and Alabama. The DBPR/ECLB requires the exam to be taken in the same state that Florida has approved for endorsement, Section 489.511(6), F. S.*

CERTIFICATION OF REGISTERED LICENSE (GRANDFATHERING)

1. Mesa, Raul, Mesa Brothers, Inc. – DENIED; *Still under Federal tax lien.*
2. Nemeth, John W., JWN Family Partners, L.P., LTD d/b/a All-Brite Signs – DENIED; *Not registered with ECLB for 5-years, lacks 5-years experience pursuant to 489.514 (2)(c), F. S., evidence of Federal tax lien pursuant to 489.521(2)(e), F. S.*

UNLIMITED ELECTRICAL CONTRACTOR EXAM

1. Leon, Jorge – DENIED; *has not worked for an electrical contractor, Section 489.511(2)(a), 3. a, F. S.*
2. Loeper, Kenneth – DENIED; *489.511(2)(a), F. S., does not demonstrate required number of years experience, has not worked for contractor long enough, 3-phase experience is in maintenance not installations.*
3. Robinson, Neville – DENIED; *financial statement not notarized, 40% of work time shown not in 3-phase.*

CERTIFIED ALARM CONTRACTOR I EXAM

1. Barnes, Gregory – DENIED; *job lists or W2s do not indicate 6-years of training or broad experience, Section 489.511(2)(a), 3. c., F. S.*
2. Gonzalez, Josie – DENIED; *applicant applied under 489.511(2)(a) 3. b., with 4 years experience. Supervisory work experience does not cover 4-years or show any supervisory jobs. Also employment verification does not show 48-months supervisory experience.*

CONTINUING EDUCATION COMMITTEE – Arnaldo L. Abreu

Mr. Abreu presented the list of CE Courses and FASA Courses Approved and Approved Contingent, beginning with the *American Construction, Inc., OSHA Standards for the Construction Industry*, and ending with *Security One Systems, Inc., Basics of BURG, CCTV &*

ACCESS Systems. Messrs. Abreu and Roberts 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

A. American Construction Inc.

1. OSHA Standards for the Construction Industry – TABLED TO NOVEMBER 2003 MEETING; *after reviewing the course syllabus the CE Committee recommends 7 hours safety in lieu of 7 technical hours and request clarification of how many hours are being requested.*
2. Mold & More – APPROVED; *7 hours technical.*

B. Florida Association of Electrical Contractors

1. Lockout/Tagout Safety Procedures – APPROVED CONTINGENT; *pending receipt of designation and qualifications of instructor.*

C. Atlanta Electrical Contractors Association

1. Don't Always Overkill the Installation & Re-Inspection
2. Grounding – Article 250
3. Calculations – All Kinds of
4. How to Communicate with the Inspector – TABLED TO NOVEMBER 2003 MEETING; *the CE Committee requests documentation on the course because the outline is vague and half-hour credits are not awarded and must be rounded off.*

D. Contractors Exam School

1. Electrical Safety

E. Contractors Institute

1. Mold & Moisture Remediation
2. Florida Construction Laws & Rules– TABLED TO NOVEMBER 2003 MEETING; *after review of the course syllabus, the CE Committee does not see 4 hours of technical, must provide clarification.*
3. Florida Construction Laws & Rules – Internet Format TABLED TO NOVEMBER 2003 MEETING; *after review of the course syllabus, the CE Committee does not see 4 hours of technical, must provide clarification.*

F. GE Interlogix

1. Advent – TABLED TO NOVEMBER 2003 MEETING; *clarification of timetable to justify the 8 hours requested, need to complete and notarize the attest statement.*
2. Networkx – APPROVED CONTINGENT; *pending receipt of completed and notarized attest statement.*

3. Connection Center– APPROVED CONTINGENT; *pending receipt of completed and notarized attest statement.*
4. Simon– Tabled TO NOVEMBER 2003 MEETING; *need breakdown of timetable and to submit a completed and notarized attest statement.*
5. Concord -Tabled TO NOVEMBER 2003 MEETING; *need breakdown of timetable and to submit a completed and notarized attest statement.*

G. Advanced Benefits – *The following courses were APPROVED FOR BUSINESS HOURS ONLY.*

1. Understanding Small Group Health Plans
2. Understanding Disability Insurance
3. Understanding PEOs
4. Understanding Long Term Care
5. Understanding Medical Savings Accounts
6. Understanding Short Term Health Insurance
7. Understanding Drug Free Workplace Safety Plan – APPROVED FOR SAFETY HOURS ONLY.

H. Florida Solar Energy Center/University of Central Florida

1. Solar Electric Systems and the National Electrical Code

I. Mike Holt Enterprises, Inc.

1. Business Skills – APPROVED CONTINGENT; *pending receipt of a method of evaluation.*

J. School for Contractors and Trades

1. Essentials in Construction
2. Technical Components in Construction

Alarm System Agents (ASA) Courses

A. Security One Systems, Inc.

1. Basics of BURG, CCTV & ACCESS Systems

GENERAL SESSION

No discussion.

OLD BUSINESS

Ms. Catalano reported to the board a decision from the First District Court of Appeal in [Case No.: 02-1763](#), Verizon Florida, Inc., v. DBPR/ECLB. The DBPR/ECLB had previously determined that Verizon, Inc. must become a licensed alarm system contracting company if it desired to have its own employees

perform routine inspection and maintenance on its fire alarm systems. In an opinion filed July 24, 2003 from an appeal filed subsequent to an order of the DBPR/ECLB, the Appellate Court held that Verizon, Inc., is not required to be licensed under Chapter 489 for its described activities because it is not a "contracting" entity as defined in [Section 489.505\(9\), F.S.](#)

The board reviewed correspondence from Vice-Chairperson, Clarence Tibbs, to the [Florida Engineers Management Corp., Board of Professional Engineers](#). In a letter dated July 28, 2003, Mr. Tibbs wrote in part:

"...Recently the Electrical Contractors' Licensing Board for the State of Florida has been trying to draft a rule which will be more representative of how electrical contracting is performed in today's market. The rule we are drafting is based on Section 489.505(12), of the Florida Statutes (F. S.). However, we have encountered a conflict involving this statute and Section 471.003, F. S., which is an electrical engineering statute.

Our statute says that Electrical Contractors are allowed to "Design" work associated with electrical wiring. However, your statute gives some specific numbers associated with what we can and can not do. We agree that there needs to be certain figures associated with the electrical work that we do, but we feel that the figures used in Section 471.003(2)(h) 2. a., F. S., do not adequately allow us to design work we are capable of doing.

Currently your statute allow us to do work up to 600 amps, 240 volts or less on a residential system and 800 amps, 240 volts or less on a commercial application. In keeping with today's ever-increasing needs for electricity, we would like to see your statute changed to the following:

*Allow residential work up to 800 amps, 240 volts and;
Allow commercial to design work up to 1000 amps, 600 volts.*

This change is needed for residential because of the ever-increasing size of homes and the increased demand for electricity at these residences. The change for commercial is also due to the greater demand put upon buildings these days, but more importantly is the need to allow us to design up to 600 volts. The majority of commercial services these days are over 240 volts and therefore we are not allowed to design hardly any services due to the low voltage associated with your statute.

Our Board would very much like to get your opinion on these changes..."

Let the record show that the correspondence from Stephen Borgman was withdrawn from the agenda.

NEW BUSINESS

Mr. Spivey presented electronic correspondence from Linda Gonzalez, Office of Labor Relations, City of Miami Beach. In her correspondence Ms. Gonzalez asked:

"1. Can the City designate a primary qualifier by trade AND by Department and/or Division so that each primary is only responsible for their own work in the designated Department/Divisions, and no responsibility for the other's work?"

*Example: primary qualifier electrical /City of Miami Beach – public works Department
primary qualifier electrical/City of Miami Beach – property Management Division*

(The City has received information that Miami-Dade County currently operates with similar divisions for most trades)

2. *Under what conditions must a qualifier work under a general contractor?"*

Mary Ellen Clark will contact Ms. Gonzalez and request that the City of Miami Beach, Office of Labor Relations, submit a petition for declaratory statement.

Mr. Sandefer requested that board staff amend the Applicant Job List form submitted with applications to reflect the required 40% experience shown in a time basis and not a jobs basis. The form will be amended to read: *"If you are applying for Alarm Systems Contractor I – your total years experience must include 40% fire alarm experience. If you are applying for Electrical Contractor – your total years experience must include 40% 3-phase experience."*

Mr. Sandefer also directed board staff to send a letter of thanks and appreciation to the Poole family, for the gathering they hosted.

The board reviewed electronic correspondence from Ila Jones, [Department of Community Affairs, Division of Codes and Standards](#). In her correspondence Ms. Jones asked:

"...Section 489.109(3), F.S. and Section 489.509(3), F.S., require the CILB and ECLB to advise the DCA (FBC) of the most needed areas of research or continuing education based on significant changes in the industry's practices, the most common types of consumer complaints, or problems costing the state or local governmental entities substantial waste."

After consideration of Ms. Jones' inquiry, the board determined that the development of false alarm training and continuing education courses is needed.

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

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

- Clarification of the Attest Statement and its applicability to financial statements and other documentation submitted in support of an application. The board suggested that the Rules Committee develop amended rule language concerning the signing and notarization of financial statements.

MOTION: Mr. Abreu motioned to begin rule development on Rules 61G6-5.003, F. A. C., and 61G6-5.004, F. A. C.

SECOND: Ms. Small.

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

- The board reviewed correspondence to Greg Ross, Esq., regarding his client, Dwight Ingram. On March 20, 2003, the board voted to deny Mr. Ingram's application for certified specialty contractor examination – limited energy systems; on the grounds that Mr. Ingram lacked good moral character as required by [Section 489.511\(4\)\(a\), F. S.](#), and that Mr. Ingram's civil rights had not been restored subsequent to a criminal conviction. In a petition filed May 9, 2003 Mr. Ingram, through Counsel, Greg Ross, Esq., requested a Formal Hearing before the Division of Administrative Hearings (DOAH). Subsequent to the filing of the petition, Mr. Ingram, again through counsel, withdrew his request for a Formal Hearing.

- The board reviewed correspondence to John M. Lieber, Complete Access Control, Inc. In a letter dated July 29, 2003, Mr. Lieber wrote in part:

"...Under Florida Statute 489.113(3) defines the areas that a contractor shall subcontract work to be done. The first area listed is electrical. Thus, we would request your opinion as to whether the general contractors doing access control work where the majority of the work that is done is electrical in nature are allowed to INSTALL AND SERVICE said electrical equipment under their general contractors licenses."

Ms. Catalano replied to Mr. Lieber by letter dated August 27, 2003 advising him that his letter appeared to be a petition for declaratory statement and that it was not in the proper format for such purposes pursuant to Section 120.565, F. S., and Rule 28-105.002, F. A. C.

- The board reviewed draft correspondence to the City of Boca Raton concerning that city's municipal code requiring the installation of fire alarm system equipment which is approved by [Underwriters' Laboratories \("UL"\)](#) and the installation of such equipment performed by contractors who must be UL certified and listed with or otherwise approved by the City of Boca Raton. The specific municipal codes are [Sec. 7-38. Automatic fire-extinguishing and detection systems](#); and [Sec. 7-63. Fire alarm permit--Required](#). Present during this portion of the meeting were: Jeff Collins, Deputy Fire Marshall, Palm Beach County Fire Rescue; Roy Pollack, Vice-President, [Alarm Association of Florida](#); Bob Neely, Executive Director, Alarm Association of Florida; Raymond M. Masciarella, II, Esq., [Florida Bar Association Construction Law Committee](#); Rodney Poole, North Ridge Electric, Inc., Bill Pringle, Pringle Security Systems, Inc.; Steve Wolf; April Galloway; Michael Bradford, Bradford Electric, Inc. Other representatives from the City of Boca Raton, the City of Palm Beach and Palm Beach County had been invited to the meeting to discuss this issue, but were not in attendance. Highlights of discussion included:
 - ✓ Palm Beach County made amendments to the local Fire Codes based on [National Fire Protection Association, Article 72 \(NFPA 72\)](#).
 - ✓ City Ordinances were changed to require central station requirements per NFPA 72; to require certification of the installation of fire alarm system equipment per NFPA 72.
 - ✓ Palm Beach County requires UL Certification of all central station monitored and sprinklered buildings.
 - ✓ Opinion that NFPA 72 does not require UL Certification for the entire fire alarm installation.
 - ✓ Installation of fire alarm system equipment requires third party verification.
 - ✓ UL charges contractors approximately \$5,000.00 to become UL certified.
 - ✓ UL charges contractors approximately \$500 to \$1,000 for annual inspections on each UL listed alarm system installed.
 - ✓ Opinion that the [Florida Building Code \(FBC\)](#) does not require UL certification for alarm system installations.
 - ✓ Opinion that [Section 489.516\(3\), F. S.](#), obviates the need for additional certifications for persons licensed under [Chapter 489, Part II, F. S.](#), and prohibits local municipalities from requiring further licensing requirements.
 - ✓ Opinion that [Section 166.021\(1\), F. S.](#), prohibits local municipalities from adopting codes or ordinances that conflict with state statutes.
 - ✓ Suggestion that the board and/or the professional associations contact the Florida Bar Association Construction Law Committee to review this issue and seek legislative relief.
 - ✓ Opinion that the City of Boca Raton is circumventing the state licensure requirements by requiring contractors to be UL certified.
 - ✓ Report that the City of Boca Raton is requiring all monitored alarm installations to be UL certified.

- ✓ Opinion that [Section 455.201\(4\)\(a\), F. S.](#), prohibits UL certification requirements because of its economic impact and restrictions to practice.
- ✓ Report that the City of Boca Raton will only issue permits to prime contractors with a UL certification and EF (Certified Alarm System Contractor I) license.
- ✓ Report that the City of Boca Raton is using the language of NFPA 72 as its authorizing statute.

At the conclusion of discussion Deputy Fire Marshall Collins, advised the board that the [State Fire Marshall's Office](#) does have an appeals process in place and suggested the board and professional associations could make use of it. Deputy Fire Marshall Collins also stated to the board that adoption of NFPA 72 requirements was to ensure that the life safety issues concerning the installation, monitoring and response to fire alarm systems was addressed. With the assistance of Mr. Neely, Ms. Scott-Hill and Ms. Clark will draft a letter to the City of Boca Raton expressing the board's concerns.

- The board reviewed correspondence to Jack Alfandary, Aerwav Integration Services, Inc. In a letter dated August 26, 2003 Mr. Alfandary wrote in part:

"...This is a request by Armorgroup Integrated Systems, Inc., a duly certified business entity through Edward J. Slowey, a certified Alarm System Contractor I...to effect a corporate name change from Armorgroup Integrated Systems, Inc., to Aerwav Integration Group, Inc., pursuant to Rule 61G6-5.006 sub-section (4). Simultaneously we are requesting the Electrical Contractors Licensing Board to allow the certified business entity to operate under the registered fictitious name of 'Aerwav Integration Services.'

...To the extent that the Electrical Contractors' Licensing Board believes Rule 61G6-5.006 requires the filing of a full application in these circumstances, we respectfully request pursuant to Section 120.542 of Florida Statute for a variance and waiver of the requirements of Rule 61G6-5.006(1)..."

Ms. Catalano replied to Mr. Alfandary by letter dated August 28, 2003 advising him that his letter appeared to be a petition for variance and waiver and that it was not in the proper format for such purposes pursuant to Section 120.542, F. S., and Rule 28-104.002, F. A. C.

EXECUTIVE DIRECTOR'S REPORT – Anthony B. Spivey

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

- Mr. Spivey thanked Ms. Catalano for her service to the board and Ms. Poole presented her with a plaque of appreciation.
- Mr. Spivey reminded the board members and staff to be sure to get a "zero balance" invoice from the hotel upon checkout.
- Mr. Spivey reported that the Department had hired an individual to perform the public liability and Worker's Compensation insurance audits and that the process had begun.
- The board's financial statements were still being compiled by the Department and would be presented at the November meeting in Tallahassee.
- Staff from the Central Intake Unit/Application s would be invited to attend the November meeting in Tallahassee.

CHAIRPERSON'S COMMENTS - Michele Poole

Ms. Poole thanked the board and staff for their time and assistance during her tenure as Chairperson.

Ms. Poole thanked everyone for attending the gathering hosted by her family and also directed board staff to send letters of thanks to the Alarm Association of Florida, ABC Contractors, Inc., the [Construction Association of South Florida](#) and the [Florida Association of Electrical Contractors](#). Ms. Poole also asked that the representatives of the various professional organizations in attendance discuss the issue of privatization amongst their peers and bring their thoughts and comments to the board.

ELECTION OF OFFICERS

MOTION: Mr. Roberts nominated Clarence Tibbs and Jeffrey M. Kiner to be the next Chairman and Vice-Chairman, respectively, of the ECLB.

SECOND: Mr. Sandefer.

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