

**MINUTES FROM THE  
NOVEMBER 20-21, 2003  
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING**

**The Department of Business & Professional Regulation  
Northwood Centre Board Conference Room  
1940 N. Monroe Street  
Tallahassee, FL 32399**

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

**PLEDGE OF ALLEGIANCE AND INVOCATION** – Mr. Sandefer.

**ROLL CALL- Members Present**

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

**Members Absent**

Arnaldo L. Abreu

**OTHERS PRESENT**

Anthony B. Spivey, Executive Director  
John T. Knap, Executive Director  
Gregory Spence, Government Analyst  
Mary Ellen Clark, Assistant Attorney General  
Gail Scott-Hill, Chief Attorney, Professions  
Sue Habershaw, Court Reporter, Habershaw Reporting  
See Attachment 1 for others present.

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

**J. Michael Farina**

**EC 0002397**

**Case # 2002-003580**

**Settlement Stipulation and Final Order**

**Recused: Mugford, Kiner & Small**

On February 24, 2003, the Department filed an Administrative Complaint in Case No.: 2002-003580 charging the respondent with a violation of one count each of [Section 489.533\(1\)\(a\), Florida Statutes \(F. S.\)](#), through a violation of [Section 455.227\(1\)\(a\), F. S.](#), by making misleading, deceptive, or fraudulent statements in the practice of a profession; [Section 489.533\(1\)\(r\), F. S.](#), by proceeding on any job without obtaining applicable local building department permits and inspections; [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; [Section 489.533\(1\)\(q\), F. S.](#), by failing to affix a certification or registration number as required by Section 489.521(7), F. S. Subsequently, the respondent filed an Election of Rights and petition for an Administrative Hearing (Case No.: 03-2948PL), in accordance with [Section 120.57, F. S.](#), and [Rule 28-106.201, Florida Administrative Code \(F. A. C.\)](#).

On September 26, 2003 an Order Closing File was filed in Case No.: 03-2948PL relinquishing jurisdiction of the case to the Department. Subsequently, the respondent and the Department entered into a Settlement Stipulation finding that the stipulated facts, if proven would constitute violations of Chapter 455, F. S., and [Chapter 489, Part II, F. S.](#) The Stipulation imposed an administrative fine in the amount of \$300.00; payment of administrative costs in the amount of \$362.31; payment of restitution in the amount of \$62.50; and suspension of license until lifted by the board. All payments must be made within thirty (30)-days from the filing of the Final Order. Counts III and IV as charged in the Administrative Complaint were to be dropped.

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

MOTION: Mr. Bellemare moved to ACCEPT the proposed settlement stipulation noting for the record as mitigation, that this is Mr. Farina's first offense for failing to obtain applicable local building department permits and inspections.

SECOND: Mr. Sandefer.

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: Terry Lee Broxson, Comverge Inc.; Theodore F. Cava, United Diversified Enterprises Inc.; Thomas Czajkowski, Suntech Electrical Contractors Inc.; David E. Harper, Systems Services Inc.; William E. Henry, Ralo Security Inc.; Raymond C. Miller, Advanced Link Systems Inc.; Michele M. Poole, Samco Systems, Inc.; Bruce G. Riendeau, Xtreme Electrical Services Inc.; Eric D. Ross, Protection First Alarm & Audio Inc.; Steven Siems, Recreational Design & Construction Inc. Ms. Poole recused herself from voting at this time. Also present were Charles Hood, Buck's Electrical Contractors represented by Miriam Wilkerson; John Steve Armeros, Armer Protection, Inc.; Jonathan P. Balog, Resource Technologies, Inc., d/b/a: KCI Wireless Services, Inc.; James L.

Busby, Centralite Systems, Inc., d/b/a: Emagine; Richard P. Koralewski; Don H. Minyard, Central Station, Inc.; Mohammed T. Orouji, Quality Electric Service & Engineering, Inc.; Paul Piscatelli, The Watchlight Corporation; Kenneth W. Smith, Ken Smith Inc., d/b/a: Ken Smith of North Carolina, Inc.; Scott A. Vanderwoude, Van's Electric of Lake Worth, Inc.; Eddie D. Poe, Poe Electric, Inc.; and John L. Bell, LB Signs, Inc.

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 Raymond C. Miller, Advanced Link Systems Inc.; the Board expressed significant concern regarding Mr. Miller's application because the license he was attempting to transfer as an additional business was not valid. After further discussion with Mr. Miller, 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 the application be TABLED until the January 22-23, 2004 meeting of the board.

## **HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT – Mary Ellen Clark, Assistant Attorney General**

### **Stephen J. Borgman Application Denial – Certified Electrical Contractor Examination**

On July 24, 2002, Mr. Borgman submitted an application for certified electrical contractor examination. The application was reviewed by the Board at a duly announced public meeting on November 20, 2002, in Tallahassee, FL. The Board denied the application on the grounds that Mr. Borgman failed to demonstrate the experience required pursuant to Section 489.511, F.S.

Subsequent to the denial Board Counsel requested the Board revisit Mr. Borgman's application at the March 21, 2003 meeting of the board in Tampa. Mr. Borgman was present but not represented by counsel. Ms. Catalano introduced the matter for the record. The Board entered into discussion regarding Mr. Borgman's application and experience and new information submitted. After discussion Messrs. Kiner and Roberts entered a motion and a second respectively to REVERSE the denial of Mr. Borgman's application. The board voted on the motion and the motion died for lack of a majority vote with 8 opposed and 2 in favor.

Subsequently Ms. Small and Mr. Sandefer entered a motion and a second to AFFIRM the previous denial of Mr. Borgman's application on the grounds that Mr. Borgman failed to demonstrate the

experience required pursuant to denial on the grounds that Mr. Borgman failed to establish eligibility with the supplemental materials he filed, pursuant to § 489.511(3)(a), F.S., and a lack of independent verification of Mr. Borgman's work experience. The board voted on the motion. The motion passed with Messrs. Kiner and Roberts opposed.

After a successful request for a hearing not involving disputed issues of material fact and for requests for continuance Mr. Borgman's denied application was revisited by the board.

Mr. Borgman was not present and was not represented by counsel. Ms. Clark introduced the matter for the record.

MOTION: Ms. Poole moved to DENY any further request for continuance on the grounds that Mr. Borgman failed to show good cause for a continuance.

SECOND: Mr. Kiner.

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

MOTION: Ms. Poole moved to REVERSE the previous denial and APPROVE Mr. Borgman's application for certified electrical contractor examination.

SECOND: Mr. Roberts.

The board voted on the motion. The motion passed by a vote of 5 in favor and 4 opposed.

## **RECONSIDERATIONS – Mary Ellen Clark, Assistant Attorney General**

### **Neville Robinson**

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

On or about April 19, 2003, Mr. Robinson submitted an application for certified electrical contractor examination. The application was reviewed by the board at a duly announced public meeting on September 18-19, 2003, in West Palm Beach, FL. The board denied the application on the grounds that the application failed to meet the requirements in Rule 61G6-5.003(1), F. A. C.; and Rule 61G6-5.003(2)(a), F. A. C., because the financial statement submitted with the application was not notarized and 40% of Mr. Robinson work experience was not demonstrated in 3-phase systems.

Mr. Robinson was not present and was not represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Robinson's application and experience. After discussion:

MOTION: Mr. Langer moved to AFFIRM the board's previous denial.

SECOND: Mr. Mugford.

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

**Raul Mesa**  
**Application Denial – Certification of a Registered License**

This matter first came before the board at a duly noticed public meeting on September 18-19, 2003, in West Palm Beach, FL. The board denied the application on the grounds that Mr. Mesa's application revealed evidence of a Federal tax lien which is not in compliance with Section 489.514(2)(e), F. S. Subsequent to the denial, Mr. Mesa, upon receipt of the Notice of Intent to Deny, submitted an Election of Rights Form, requesting to supplement his application for further review.

Mr. Mesa was not present and was not represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Mesa's application and licensure. During discussion some members of the board expressed concerns that it appeared in his application that Mr. Mesa had not timely completed CE for renewal of his registered license. After discussion:

MOTION: Ms. Small moved to REVERSE the denial of Mr. Mesa's application.

SECOND: Mr. Roberts.

The board voted on the motion. The motion died for lack of a majority vote with 4 in favor and 5 opposed. Further discussion ensued regarding possible disciplinary action against Mr. Mesa's registered license. After discussion:

MOTION: Mr. Bellemare moved to REVERSE the denial of Mr. Mesa's application.

SECOND: Mr. Roberts.

The board voted on the motion. The motion passed by a majority vote with 6 in favor and 3 opposed.

**Jesse T. Hall**  
**Application Denial – Certified Alarm System Contractor I Examination**

On or about May 27, 2003 Mr. Hall 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 September 18-19, 2003, in West Palm Beach, FL. This application was reviewed and approved as an Alarm Contractor II examination application by the ECLB Application Committee on September 18, 2003. However, the application may have been approved in error because: the application was incomplete; the documentation in the application, including a written statement provided by the applicant, seemed to indicate the applicant did not have the required experience for any level of alarm system, or electrical contractor examination; and Mr. Hall's written narrative concerning his lack of the required experience and the lack of a job list may have been overlooked by the ECLB Application Committee.

By Emergency Teleconference Meeting of the board on October 28, 2003, the board revisited Mr. Hall's application. The emergency meeting was necessary to meet the timeframes established by Section 120.60(1), F. S. Mr. Hall was present at this meeting but not represented by counsel. Also present were David S. Smith, General Manager, SAI; and Paul Lucking, Chief Operating Officer, SAI. Mr. Tibbs introduced the matter for the record. Mr. Spivey administered the oaths. Ms. Clark recommended the board enter a motion to reconsider the application. Messrs. Bellemare and Mugford entered a motion and a second respectively to RECONSIDER Mr. Hall's application.

The board entered into discussion regarding Mr. Hall's application and experience. Messrs. Lucking and Smith provided testimony on Mr. Hall's behalf. During discussion Mr. Hall stated that the last 10 years of his experience has been as a technical support supervisor for a central monitoring station. Many of the board members present stated that supervisory experience in technical support for central station monitoring was not adequate experience and did not meet the experience requirements specified in Section 489.511, F. S., and Rule 61G6-5.003, F. A. C.

After discussion Messrs. Bellemare and Mugford entered a motion and a second respectively to DENY Mr. Hall's application on the grounds he did not meet the experience requirements pursuant to Rule 61G6-5.003(1)(a) 2, F. A. C. Further discussion ensued, during which Mr. Hall stated that he and his company were only interested in providing central station monitoring services only and that based on the requirements of the examination application he believed his experience to be relevant and applicable for central station monitoring.

During this discussion the board considered a proposal to develop a new category of alarm system contracting license that would provide for central station monitoring services only. Some members of the board stated that a class of licensure such as what was proposed could be helpful to persons such as Mr. Hall and recommended that this matter be continued pending further discovery of Mr. Hall's experience. Ms. Clark reminded the board that a motion and second were on the table to be voted on. The motion and second were subsequently withdrawn. Ms. Clark asked Mr. Hall if he would be willing to submit a waiver of his right to the board taking action on his application at this time pursuant to Section 120.60(1), F. S. Mr. Hall responded affirmatively, acknowledging his rights under Section 120.60(1), F. S., and submitted a waiver of those rights. After discussion Messrs. Bellemare and Mugford entered a motion and a second respectively to CONTINUE this matter until the November 2003 meeting of the board pending further discovery of Mr. Hall's experience in the fire alarm contracting trade. The board voted on the motion. The motion passed by a majority vote of 5 in favor and 1 opposed.

The board advised Mr. Hall to submit to the board office documented evidence of his total experience in fire alarm system contracting as soon as possible for consideration at the November 2003 meeting of the board.

Now before the board, Mr. Hall was not present and was not represented by counsel. Ms. Clark introduced the matter for the record.

MOTION: Mr. Bellemare moved to APPROVE Mr. Hall's application.

SECOND: Mr. Roberts second for discussion.

The board entered into discussion regarding Mr. Hall's application and experience. After discussion the board voted on the motion. The motion passed by a majority vote of 6 in favor and 2 opposed.

### **Ryan Jacobson**

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

On or about February 5, 2003, Mr. Jacobson 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 the State of Florida does not have a reciprocity agreement with the State of Michigan and with the recommendation that Mr. Jacobson sit for the State of Florida's Electrical Contractor Examination. Upon receipt of the Notice of Intent to Deny,

Mr. Jacobson, timely submitted an Election of Rights Form, requesting a hearing not involving disputed issues of material fact before the board.

The board reviewed the application at a duly announced meeting in Jacksonville, FL on July 10-11, 2003. 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 Messrs. Tibbs and Bellemare entered a motion and a second respectively 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.

During the interim, the State of Michigan had 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 document had not been received in time for review at the September 18-19, 2003 meeting and was finally received just days before the November 20-21, 2003 meeting.

Here now at the November 20-21, 2003 meeting of the board, Mr. Jacobson was present but not represented by counsel. Mr. Jacobson was sworn in by the court reporter. Ms. Clark introduced the matter for the record. Mr. Spence gave testimony concerning the status of the EEQ, specifically in that the BET had reported that the document had been received and was incomplete to the extent that a proper analysis could not be made and that the information provided would not make it likely for the BET to recommend endorsement of the State of Michigan's examination. The board entered into discussion regarding Mr. Jacobson's application, experience and supplemental information. After discussion:

MOTION: Mr. Sandefer moved to AFFIRM the previous denial of Mr. Jacobson's application.

SECOND: Ms. Small.

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

### **Richard Mihalich**

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

On or about June 23, 2003, Mr. Mihalich submitted an application for certified electrical contractor license by endorsement. The application was reviewed by the board at a duly announced public meeting on July 10-11, 2003, in Jacksonville, FL, and TABLED to the September 18-19, 2003 meeting pending receipt of information from the BET regarding the Michigan test.

During the interim, the State of Michigan had 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 document had not been received in time for review at the September 18-19, 2003 meeting and was finally received just days before the November 20-21, 2003 meeting.

Mr. Mihalich was not present for the proceedings nor represented by counsel. Mr. Spence noted that Mr. Mihalich was scheduled to take the State of Florida Unlimited Electrical Contractor examination on this very day. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Mihalich's application and supplemental information. After discussion:

MOTION: Mr. Sandefer moved to DENY Mr. Mihalich's application for endorsement.

SECOND: Ms. Small.

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

**PETITIONS FOR WAIVER OR VARIANCE – Mary Ellen Clark, Assistant Attorney General**

**Robert E. Marshall Seeking a Waiver or Variance of Rule 61G6-9.001, F. A. C., Continuing Education for Reactivation**

In a petition filed on August 8, 2003, Mr. Marshall wrote in part:

*“...The waiver/variance I petition the board to act on is rule 61G6-9.001, of the Florida Administrative Code, which states that, ‘ a licensee who holds an inactive license and wishes to reactivate such license must complete twelve (12) hours of continuing education for every year the license was inactive.’ ...The Purpose of my petition is to ask the board to waive, or grant a variance to this rule, would create a substantial personal hardship to renew my license and would serve no useful purpose in protecting the public...This request should be considered as a permanent waiver/variance...”*

After review and consideration of Mr. Marshall petition, the board voted to DENY his petition for waiver or variance on the grounds that current rule provides for a maximum of 48-hours continuing education (CE) for reactivation of an inactive license and that statutorily required CE for reactivation of a license cannot be waived.

MOTION: Mr. Sandefer moved to DENY Mr. Marshall’s petition for waiver or variance.

SECOND: Ms. Poole.

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

**Jack Alfandary, Esq., Aerwav Integration Services, Inc., Seeking a Waiver or Variance of Rule 61G6-5.006(1) F. A. C., Certification of Additional New Business Entity or Transfers.**

In a petition filed September 5, 2003, Mr. Alfandary wrote in part:

*“...This is a request by Armorgroup Integrated Systems, Inc., ...to effect a corporate name change from Armorgroup Integrated Systems, Inc., to Aerwav Integration Group, Inc., pursuant to Rule 61G6-5.006 subsection (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.’...A full transfer filing under Rule 61G6-5.006(1) requires the filing of financial statements for the licensed business (i. e., Armorgroup Integrated Systems). The preparation of such financial statement would cost approximately \$15,000 and would represent economic hardship to our business. Additionally, the preparation of the financial statements would delay the name change process we have undertaken in the various states where we operate, resulting in adverse operational and financial impact to our company and customers...”*

The board entered into discussion concerning Mr. Alfandary’s petition. During discussion, Mr. Spence noted to the board that at Mr. Alfandary’s request as evidenced in the meeting agenda, the transfer or name change application had been processed through and the name change to “Aerwav Integration Group, Inc., had been made, making the petition moot. After discussion:

MOTION: Mr. Mugford moved to DENY the petition due to mootness.

SECOND: Ms. Poole.



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

## **BOARD MEETING MINUTES**

### **September 18-19, 2003 Board Meeting Minutes Palm Beach, FL**

The board reviewed the minutes from the September 18-19, 2003 meeting held at the Colony Palm Beach Hotel, 155 Hammon Avenue, Palm Beach, FL.

MOTION: Mr. Mugford motion to APPROVE the minutes as presented.

SECOND: Ms. Small.

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

### **October 28, 2003 Emergency Meeting Conference Call Tallahassee, FL**

The board reviewed the minutes from the October 28, 2003, Emergency Meeting held by teleconference at the Department of Business and Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL.

MOTION: Ms. Small moved to APPROVE the minutes.

SECOND: Mr. Sandefer.

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 October 27, 2003:

- ◆ 15-cases in the Office of the General Counsel
- ◆ 12-cases set for Probable Cause
- ◆ 5-cases with Administrative Complaints filed
- ◆ 1-case set for Board Presentation
- ◆ 2-cases where Formal Hearings have been requested
- ◆ 0-case referred to DOAH
- ◆ 0-cases awaiting Final Order
- ◆ 0-cases under Appeal

Concerning the ECLB Insurance Audit currently underway, Ms. Scott-Hill reported that past audits yielded approximately 250 cases and a tiered level of fines was usually recommended by the Department in conjunction with the stipulation process that has had a 90% success rate.

## **UNLICENSED ACTIVITY ENFORCEMENT REPORT – Laura P. Gaffney, Chief Attorney - Unlicensed Enforcement/Accountancy**

Ms. Scott-Hill directed the board's attention to Laura Gaffney, Chief Attorney, Unlicensed Activities Section, Office of the General Counsel (OGC) whose office prepared the Unlicensed Activity case report. Details of the report included the following:

- ◆ 17-cases in the Office of the General Counsel
- ◆ 4-cases awaiting further Investigation/Expert Report
- ◆ 1-cases awaiting Probable Cause determination
- ◆ 7-cases where an Administrative Complaint was filed
- ◆ 0-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
- ◆ 3-cases where hearing has been held; awaiting Final Order
- ◆ 0-cases on appeal

Ms. Gaffney stated that the Department would be recruiting additional personnel for the Unlicensed Activities Section, Office of the General Counsel (OGC).

### **COLLECTIONS ATTORNEY'S REPORT – Marc Drexler, Assistant General Counsel**

Ms. Scott-Hill directed the board's attention to Marc Drexler, Chief Attorney, Collections, Office of the General Counsel (OGC) whose office prepared the Division of Professions collections report. Details of the report included the following for ECLB:

- ◆ 8-open cases
- ◆ \$0.00-monthly amount collected
- ◆ \$0.00-FY 2000-01 amount collected
- ◆ \$680.50-FY 2001-02 amount collected
- ◆ \$0.00-FY 2002-03 amount collected
- ◆ \$0.00-FY 2003-04 amount collected

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

The Legislative Committee considered Proposed Amendments to Chapter 489, Part II, F. S., including Section 489.533 (1)(m), F. S.; System Verifier License Category and Central Station Monitoring License Category. Highlights of discussion included:

#### Proposed Amendment to 489.533 Disciplinary proceedings.

Add the following (in bold text)

489.533(m) Committing financial mismanagement or misconduct in the practice of contracting that causes financial harm to a customer or material supplier. Financial mismanagement or misconduct occurs if:

- 1). To remain unchanged
- 2). To remain unchanged
- 3). To remain unchanged
- 4). To remain unchanged

~~5). The contractor (individual or corporation) files for protection under Federal Bankruptcy laws.~~

~~6). The contractor (individual or corporation) is convicted of federal, state or local tax evasion laws.~~

Additional changes may also be required to 61G6-10.002 F.A.S. Violations and Penalties  
In order for the above proposed Legislative changes to be enforced and a penalty of suspension or revocation be enacted.

#### Proposed Amendment to 489, Part II

An additional license category be created by statute under 489, Part II and referenced under Chapter 633 known as "System Verifier". This license would be the only recognized State of Florida certification to verify that certain fire systems are designed, installed and serviced under the appropriate recognized standards, such as UL.

- ◆ Withdrawal of System Verifier License Category proposal.
- ◆ Withdrawal of Central Station Monitoring License Category proposal.
- ◆ Current EF licensee covers both of these functions in it's scope.
- ◆ Proposed items #5 and #6 are already addressed in Florida Statutes and Federal Laws.

#### **RULES COMMITTEE REPORT – Kimberly A. DeBerry**

The Rules Committee reviewed a Rules Report prepared by Mary Ellen Clark; proposed Rule 61G6-10.007, F. A. C., Probation; proposed amendment to Rule 61G6-6.001, F. A. C., Certification Examination Requirements; proposed amendment to Rule 61G6-9.004, F. A. C., Continuing Education Requirements for Renewal for Certificateholders and Registrants; and proposed amendment to Rule 61G6-10.008, F. A. C., Mediation, with presentation by Ron Safford, Alternative Dispute Resolution Coordinator for the Division of Professions and Regulation. Highlights of the report included:

- ◆ The Joint Administrative Procedures Committee (JAPC) had raised objections to the proposed language in Rule 61G6-10.007, F. A. C., Probation, because the language did not include all relevant information concerning the Probation Quarterly Report Form, specifically the form number, effective date and instructions on how to obtain the form.
- ◆ Ms. Clark will publish a Notice of Rule Development for Rule 61G6-6.001, F. A. C., Certification Examination Requirements, to include:  
(3) The content areas of each examination and the approximate weight assigned to each section are as follows:

(h) Utility Line Contractor. Technical Section 60%; General Business Section 33%; and Safety Section 7%.

- ◆ No action was taken on the proposed amendment to Rule 61G6-9.004, F. A. C., Continuing Education Requirements for Renewal for Certificateholders and Registrants.
- ◆ Ron Safford, Alternative Dispute Resolution (ADR) Coordinator, recommended the board consider utilizing the ADR process to resolve future disciplinary cases as applicable. Mr. Safford that the mediation processes had been successful in other professions and could be a more costs effective approach to discipline for the board. Mr. Safford suggested the ECLB amend its current rule to be similar to the rule presently used by the Construction Industry Licensing Board (CILB).

**Current CILB Rule 61G4-22.01, F. A. C., Mediation**

The following alleged violations may be resolved by mediation using the procedure adopted by the department pursuant to s. 455.2235, F.S.:

- (1) Sec. 489.129(1)(h), Committing misconduct or mismanagement in the practice of contracting that causes financial harm to a customer.
- (2) Sec. 489.129(1)(j), 489.1195, Failing in any material respect to comply with the provisions of Ch. 489, Part I, by failing to properly supervise the activities of a construction business qualified by the contractor.
- (3) Sec. 489.129(1)(k), Abandoning a construction project.
- (4) Sec. 489.129(1)(m), Committing fraud or deceit in the practice of contracting.
- (5) Sec. 489.129(1)(n), Committing incompetency or misconduct in the practice of contracting.
- (6) Sec. 489.129(1)(n), Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property in the practice of contracting.

*Specific Authority 489.108, 455.2235 FS. Law Implemented 455.2235 FS. History–New 6-27-95.*

**Current ECLB Rule 61G6-10.008, F. A. C., Mediation**

Pursuant to § 455.2235, the Board designated the following areas as appropriate for mediation; Section 489.533(1)(q); License number not in ad, or wherever else required.

*Specific Authority 455.0235(1), 489.507(3) FS. Law Implemented 455.2235 FS. History–New 3-21-95, Amended 12-24-96.*

**Current Rules Report**

Rule	Title	Published	Approved	Noticed	Adopted	Effective
<b>61G6-10.002</b>	<b>Disciplinary Guidelines</b>	6/13/03				
<b>61G6-10.007</b>	<b>Probation</b>	6/13/03		10/17/03	<b>Pre-Adoption stage</b>	
61G6-5.001	Definitions	6/13/03	7/11/03	8/08/03	9/11/03	10/01/03
<b>61G6-5.003</b>	<b>Application for Examination</b>	10/10/03				
<b>61G6-5.004</b>	<b>Requirement for Certified Qualifying Agent Application</b>	10/10/03				
61G6-5.012	Notification of Change	06/13/03		08/08/03	09/11/03	10/01/03
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

Details of the proposed rule amendments are as follows:

**61G6-10.002, F. A. C., Violations and Penalties.**

(15) Failure to comply with Chapter 489, Part II, F.S., (489.533(1)(o), F.S.):

(a) through (f) No change.

(15)(g) Employing a burglar alarm system agent in violation of Section 489.518, F. S., or employing a fire alarm system agent in violation of 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.

**61G6-10.007, F. A. C., Probation**

All probation imposed by the Board for violations of Sections 489.531, F. S. and 489.533, F. S. shall require the probationer to file with the Board, quarterly reports ~~to be filed~~ every ninety (90) days from the date of the final order entered by the Board. The quarterly reports must be filed using ~~Form~~ DBPR/ECLB – 4458 – Rev. \_\_\_\_\_, titled Probation and Quarterly Report Form, which is hereby incorporated by reference and will be effective \_\_\_\_\_, copies of which may be obtained from the Board Office and submitted to the Board Office.

**61G6-5.003, F. A. C., Application for Examination for Certification**

(1)(a) through (1)(d) No change.

(2) Every applicant must submit:

(a) A comprehensive reviewed financial statement prepared by a certified public accountant reflecting the financial condition of the individual applicant during the previous fiscal year; provided, however, that the statement must have been prepared within 12 months of the date of filing of the application. The financial statement shall include a balance sheet. ~~Unless prepared by a certified public accountant, the financial statement shall be signed in the presence of a notary by the individual applicant.~~

**61G6-5.004, F. A. C., Requirement for Certified Qualifying Agent Application**

(1) No change.

(2) A comprehensive reviewed financial statement prepared by a certified public accountant reflecting the financial condition of the business entity in its previous fiscal year; provided, however, that the statement be prepared within 12 months of the date of filing of the application. The financial statement shall include the following: balance sheet; income statement; capital statement; and statement of cash flow. ~~Unless prepared by a certified public accountant, the financial statement shall be signed, in the presence of a notary, by a responsible officer of the business entity as representing the financial~~

~~condition of the business entity for the period reflected in the statement.~~ The financial statement must indicate a minimum net worth as indicated below for the following categories:

(2)(a) through (2)(b) No change.

The Rules Committee will draft rule language requiring appearances by second business entity applicants.

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

The Board reviewed the ECLB Operating Account Financial Report for 1<sup>st</sup> Quarter Fiscal Year 2003 – 2004 and ECLB Unlicensed Activity Account Financial Report for 1<sup>st</sup> Quarter Fiscal Year 2003 – 2004. The board expressed concern regarding the financial condition of the operating account due to the recent fee holiday and cash sweeps.

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

The ULA Committee reviewed ULA statistical information provided by Andre Ruffner, Director's Office, Division of Professions and Regulation and held brief discussion on developing a combined professional board ULA Committee. Highlights included:

From 1/03 through 11/03:

- ◆ 164-total cases received
- ◆ Probable Cause was found in 121-cases.
- ◆ Probable Cause was not found in 18-cases.
- ◆ Administrative complaints were filed in 21-cases.
- ◆ 4-cases forwarded for supplemental investigation.

For FY 2003-04 to date:

- ◆ 77-complaints have been added.
- ◆ 63-complaints have been found legally sufficient.
- ◆ 59-investigations have been assigned.
- ◆ 47-investigations have been completed.
- ◆ 0-Citations have been filed.

The Department recommended the Committee postpone implementation of a combined professional board ULA Committee until a new ULA Administrator is assigned.

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

The Probation Committee reviewed the probation in Case No.: 2001-02016, DBPR v. Jesse Morris. The Committee deemed that the probationer was in compliance with the terms of their probation.

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

The Committee reviewed the Reference List for the November ECLB exams; re-scores for the July 2003 ECLB exams and held brief discussion on development of a Business Section CBT exam. Highlights included:

- ◆ BET had obtained permission from the publisher to allow eligible candidates to ask for free electronic PDF (Acrobat) version from the BET - *UL 681 – Installation and Classification of Burglar and Holdup Alarm Systems, 2001-2* text and amendments; and *UL 365 – Police Station Connected Burglar Alarm Units and Systems, 2001-2* text and amendments.
- ◆ There were nine candidates who challenged the July 2003 Electrical exams. Three of those candidates had rescores. Two of the three candidates had score changes which did not lead to a passing grade. The third candidate had his grade move from 74 to 75, which is PASSING. Two Unlimited candidates challenged Item #9 on the AM portion of the exam and pointed to a reference in the NEC which suggests there might be two answers to the question regarding 'the computed load for a sign branch circuit'. BET's consultants recommended giving the two candidates credit and editing the item. A Sign Specialty candidate pointed out that Sign workers are limited to a 'maximum of 100 Amps' on their work. Aspects of Item #56 exceeded that maximum and BET's consultants recommended giving the candidate credit, which resulted in his PASSING.
- ◆ Messrs. Bellemare and Mugford entered a motion and a second respectively to continue gathering information for development of a Business Section CBT exam.
- ◆ For future meetings the board will ratify all examination Pass/Fail lists.

### **ENDORSEMENT COMMITTEE REPORT – Jeffrey M. Kiner, Vice-Chairperson**

The Endorsement Committee reviewed the updated Endorsement and/or Reciprocity Matrix and correspondence regarding the State of Alabama Licensing Examination and Alabama HB 77. Highlights of discussion included:

- ◆ Initial reciprocity with the State of Alabama was established in December 1986 – March 1987.
- ◆ Later discovery that neither state at the time had statutory authority to implement reciprocal agreements.
- ◆ Recent Alabama HB 77 was passed authorizing reciprocity with other states.
- ◆ A request from the State of Alabama to reestablish reciprocity.
- ◆ Board Counsel informed the Board that the statute authorizing reciprocity with other states no longer exists. Ms. Clark will research reciprocity statute to determine if other existing agreements should be rescinded.
- ◆ Mr. Knap will draft a letter to the State of Alabama advising that no agreement can be entered into at this time.
- ◆ For future meetings staff will provide copies of existing endorsement agreements and examination evaluation reports and develop an endorsement checklist for use when reviewing applications.

### **APPLICATION COMMITTEE REPORT – Jeffrey M. Kiner, Vice-Chairperson**

Mr. Kiner presented the list of Approved/Approved Contingent Applications beginning with *Broxson, Terry Lee, Comverge, Inc.*, and ending with *Vowel, Robert*. The applications of Poole, Michele M., Samco Systems, Inc.; Orouji, Mohammed T., Quality Electric Service & Engineering, Inc.; and Santerfeit, Billy; were considered separately. On the advice of Board Counsel and in agreement with Mr. Hood and his counsel, no action was taken on the application of Charles Hood, as the application is incomplete at this time.

MOTION: Mr. Kiner moved to APPROVE the list of Approved Applications all categories.

SECOND: Mr. Sandefer.

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

MOTION: Mr. Sandefer moved to APPROVE CONTINGENT the application of Michele M. Poole to qualify an additional business entity.

SECOND: Mr. Bellemare.

The board voted on the motion. The motion passed unanimously. During discussion Mr. Spence advised the board that Mohammed Orouji might have been approved for an unlimited electrical contractor license by endorsement in error. Mr. Orouji possesses a Georgia Class II Unrestricted license; however, he lacks the Georgia LVU which is required for endorsement under current agreement. After discussion:

MOTION: Mr. Mugford moved to DENY the application of Mohamed T. Orouji for unlimited electrical contractor license by endorsement.

SECOND: Ms. Poole.

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

MOTION: Mr. Mugford moved to APPROVE CONTINGENT the application of Mohammed T. Orouji for certification as a Residential Specialty Electrical Contractor provided Mr. Orouji amended his application to request the Residential Specialty Electrical Contractor license.

SECOND: Ms. Small.

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

MOTION: Mr. Langer moved to APPROVE the application of Billy Santerfeit for unlimited electrical contractor examination.

SECOND: Ms. DeBerry.

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

Approved/Approved Contingent Applications – All Categories

**ADDITIONAL BUSINESS ENTITES**

- |   |   |  |
|---|---|--|
| 1. Broxson, Terry Lee<br>Comverge Inc.                          | 6. Miller, Raymond C.<br>Advanced Link<br>Systems Inc., -<br><i>TABLED UNTIL<br/>JANUARY 2004<br/>MEETING pending<br/>submission of further<br/>information, applicant<br/>concurs and has<br/>waived rights pursuant<br/>to 120.60(1), F. S.</i> | <i>CONTINGENT,<br/>pending receipt of a<br/>correct Statement of<br/>Bonding Limits.</i> |
| 2. Cava, Theodore F.<br>United Diversified<br>Enterprises Inc.  |   | 8. Riendeau, Bruce G.<br>Xtreme Electrical<br>Services Inc.                              |
| 3. Czajkowski, Thomas<br>Suntech Electrical<br>Contractors Inc. |   | 9. Ross, Eric D.<br>Protection First Alarm<br>& Audio Inc.                               |
| 4. Harper, David E.<br>Systems Services Inc.                    |   |  |
| 5. Henry, William E.<br>Ralo Security Inc.                      | 7. Poole, Michele M.<br>Samco Systems, Inc.,<br>- <i>APPROVED</i>   | 10. Siems, Steven<br>Recreational Design &<br>Construction Inc.                          |



## **ENDORSEMENTS**

1. **Armeros, John Steve**  
Armer Protection, Inc.
2. Balog, Jonathan P.  
Resource Technologies,  
Inc. d/b/a: KCI Wireless  
Services, Inc.
3. Busby, James L.  
Centralite Systems, Inc.  
d/b/a: Emagine
4. Koralewski, Richard P.  
"Individual"
5. Minyard, Don H.  
Central Station, Inc.
6. Orouji, Mohammed T.  
Quality Electric Service &  
Engineering, Inc., -  
**APPROVED**  
**CONTINGENT, for**  
**ES/Residential Specialty**  
**pending submission of a**  
**changed page 1 of the**  
**application.**
7. Piscatelli, Paul  
The Watchlight Corporation
8. Smith, Kenneth W.
9. Ken Smith, Inc. d/b/a: Ken  
Smith of North Carolina,  
Inc., - **TABLED FOR 180-**  
**DAYS, pending submission**  
**of further examination**  
**information for review;**  
**applicant concurs and**  
**waives rights pursuant to**  
**120.60(1), F. S.**
9. Vanderwoude, Scott A.  
Van's Electric of Lake  
Worth, Inc.
10. Poe, Eddie D.  
Poe Electric, Inc.

## **TRANSFERS**

1. Norman, Richard Lee  
Marine Electric, Inc.
2. Reichart, Michael  
Viasys Services, Inc.
3. Reichart, Michael
4. Viasys Utility Services, Inc.
4. Vaux, James C.  
Palm River Electric, Inc.
5. **Woodward, Charles**  
**Barry**
5. Stewart Electrical  
Contracting, Inc.
5. Woodward, Charles Barry  
Duos Technologies, Inc.

## **CERTIFICATION OF REGISTERED LICENSE (GRANDFATHERING)**

1. Bell, John L.  
LB Signs, Inc.
2. Smith, Charles K.  
CKS Electrical Systems,  
Inc.
3. **Tiffany, Charles E.**  
**"Individual"**

## **REGISTERED CONTRACTORS**

1. Hood, Charles E.  
Buck's Electrical Contractors – *APPLICATION IS INCOMPLETE, applicant concurs; no action taken.*

## **UNLIMITED ELECTRICAL CONTRACTOR EXAM**

1. Bogdan, Vasile
2. Campbell, Roy
3. Collins, Liam
4. Cross, Ericx
5. Davis, Pat
6. Duncan, David
7. Edwin Rosario
8. Garcia, Williams
9. Geisler, Steven
10. Guarino, Michael
11. Hawkins, Michael
12. Hernandez, Marcos
13. Hocutt, Jerry
14. Kelso, Gary
15. Kelson, Leo
16. Lewis, Lonnie
17. Mike Capuano
18. Morejon, Jorge
19. Richard Gremillion
20. Sanchez, Luis
21. Sierra, Joseph

- 22. Tatum, Ronald
- 23. Torres, Ernesto

- 24. Worley, David
- 25. Zohourian, Hadi

**26. Santerfeit, Bill**

**CERTIFIED ALARM CONTRACTOR I EXAM**

- 1. Dunbar, Edwin
- 2. Fitzpatrick, Jason
- 3. Gorback, Seth
- 4. Sanders, Damon
- 5. **Holifield, Gregory; APPROVED CONTINGENT, personal financial statement seems to be notarized by his wife or a relative, also the same for the attest statement, not in accordance with Rule 61G6-5.003(3), F. A. C., must submit within 30-days.**

**CERTIFIED ALARM CONTRACTOR II EXAM**

- 1. Boyd, Cindy
- 2. Rodriguez, Francisco

**CERTIFIED SPECIALTY ELECTRICAL CONTRACTOR EXAM**

**LIMITED ENERGY**

- 1. Ballash, James
- 2. Birket, Steven
- 3. Butler, William
- 4. Costelo, Michael
- 5. Engle, Peter
- 6. Eubanks, John
- 7. Gibson, Edward
- 8. Hunter, Richard
- 9. Torrejon, Juan

**LIGHTING MAINTENANCE**

- 1. Murray IV, Francis

**SIGN SPECIALTY**

- 1. Brodie, Ronald

**RECONSIDERATION**

- 1. Perodim, Gam

**BUSINESS ENTITY**

- 1. Vowel, Robert

Mr. Kiner presented the list of Denied Applications beginning with *Blaustein, Robert; The Alarming America Program, Inc.*; and ending with *Dickens, Donna; Limited Energy Systems Specialty Contractor examination*. The Board voted unanimously to ACCEPT the list of Denied Applications all categories.

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

SECOND: Mr. Bellemare.

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

Denied Applications – All Categories

**ADDITIONAL BUSINESS ENTITES**

Blaustein, Robert; The Alarming America Program Inc., - *DENIED*; on the basis that the applicant lacks financial responsibility per Section 489.522(1)(a), F. S.

**TRANSFERS**

Rennhack, Ronald; Ameritech Security Services, Inc., - *DENIED*; EF 20000316 is no longer a valid license since 09/21/03 when Mr. Rennhack notified Board staff to discontinue his qualifying "Security 'R' Us."

**CERTIFICATION OF REGISTERED LICENSE (GRANDFATHERING)**

Alfonso, Jesus; AAJ Advance Electrical Corporation – *DENIED*; assessed a fine in excess of \$500 in Case No.: 2000-06427 on 07/08/2002.

Beach, Donald F.; Beach Electric of New Smyrna, Inc., - *DENIED*; has not taken and passed an appropriate exam per Section 489.514(2)(b), F. S.

**REGISTERED CONTRACTORS**

Lightbody, James F.; Crystal River Signs – *DENIED*; has not taken and passed an appropriate exam per Section 489.513(3), F. S.

Padron, Peter E., Telesound Systems Corporation - *DENIED*; has not taken and passed an appropriate exam per Section 489.513(3), F. S.

**UNLIMITED ELECTRICAL CONTRACTOR EXAM**

Jones, Charles – *DENIED*; experience as provided reflects work limited to controls and building automation, need more info/backup on 3-phase installations, fire alarms, etc., per 61G6-5.003(1), F. A. C.

Schneider, Andrew – *DENIED*; 3-phase work is only during the last 6-months and is not 40% of work per Rule 61G6-5.003(1), F. A. C.

**CERTIFIED SPECIALTY CONTRACTOR EXAM**

Limited Energy Systems

Dickens, Donna – *DENIED*; work experience not dated, financial statement not notarized per Rule 61G6-5.003(3).

**CONTINUING EDUCATION COMMITTEE – Pierre Bellemare**

Mr. Bellemare presented the list of CE Courses and FASA Courses Approved and Approved Contingent, beginning with the *JADE Construction College, Inc.; Business, Safety and Worker's Compensation*, and ending with *Atlanta Electrical Contractors Association, How to Communicate with the Inspector*. Messrs. Bellemare and Mugford 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. JADE Construction College, Inc.**

1. Business, Safety and Worker's Compensation

**B. Jake Leahy's Electrical Code Connection**

1. Load Calculations for Plan Review
2. Contracting in Florida

**C. National Fire Protection Association**

1. Low Voltage Wiring
2. NFPA 79: Electrical Standard for Industrial Machinery
3. Hazardous (Classified) Locations

**D. Broward County Board of Rules & Appeals**

1. Fundamentals of Fuse Protection Training Series

**E. BT Builders**

1. Americans with Disabilities Act with the State of Florida Amendments (1 Hour Course)
2. Americans with Disabilities Act with the State of Florida Amendments (2 Hour Course)
3. Americans with Disabilities Act with the State of Florida Amendments (8 Hour Course)
4. Fair Housing Act

**F. Titan Continuing Education**

1. Successful Sales & Marketing Strategies for Profit
2. Practical Accounting Practices for Contractors
3. A Logical Approach to Effective Planning/Scheduling
4. Blueprints & Design-Communicating with Engineers, Architects and Interior Designers
5. Florida's Building Code-Some New Concepts and Some Revised Old Concepts –  
*APPROVED FOR 2 HOURS BUSINESS*
6. Recent Research and Developments Regarding Florida Workers Compensation
7. First Aid in the Workplace
8. Employer & Employee Responsibilities Regarding Florida Workers Compensation
9. Reduction of Accidents & Illnesses in the Workplace

CE APPLICATIONS – Classroom: Renewals

**A. JADE Construction College, Inc.**

1. Motors, Generators and Transformers

**B. National Fire Protection Association**

1. 2002 NEC Essentials (0006915)
2. NFPA 70E: Electrical Safety in the Workplace (0006916)

**C. Broward County Board of Rules & Appeals**

1. Introduction to Transformers (0001008)

**D. Independent Electrical Contractors Inc.**

1. Fiber Optics (0006633)
2. Distributed Generation (0006601)
3. Low Voltage Systems (0006600)
4. Grounding & Bonding (0006120)
5. Evacuations, Trenching, Shoring (0006602)
6. Workplace Safety (0006121)
7. Workers' Compensation (0006122)
8. Business & Government (0006119)

CE APPLICATIONS – Internet/Homestudy Format

**A. JADE Construction College, Inc.**

1. Business, Safety and Worker's Compensation
2. Low Voltage Wiring
3. Residential Wiring
4. Overcurrent Protection
5. Grounding
6. CCTV Configuration Basics
7. Access Control
8. Overcurrent Protection and Grounding

CE APPLICATIONS – Internet/Homestudy Format: Renewals

**B. JADE Construction College, Inc.**

1. Motors, Generators and Transformers
2. 2002 National Electrical Code Changes

Tabled from September 2003 Meeting

**A. GE Interlogix**

1. Concord
2. Simon
3. Advent

## **B. Atlanta Electrical Contractors Association**

1. How to Communicate with the Inspector

Mr. Bellemare presented the list of CE Courses and FASA Courses Denied. Mr. Bellemare and Ms. Small entered a motion and a second respectively to ACCEPT the list of CE Courses and FASA Courses Denied. The Board voted unanimously to ACCEPT the list of CE Courses and FASA Courses Denied.

**American Construction School Inc., OSHA Standards for the Construction Industry; - DENIED; per 61G6-9.002(3) we believe that the course is "SAFETY" in lieu of "TECHNICAL."**

## **GENERAL SESSION**

The Board reviewed Correspondence from former Board Counsel Rosanna M. Catalano, Assistant Attorney General; information concerning the NASCLA 2004 Annual Conference; considered future meeting dates; and reviewed Florida's Construction Lien Law Consumer Information Bulletin. Highlights included:

- ◆ By letter dated September 30, 2003, Ms. Catalano thanked the Board for the plaque of appreciation that was presented to her at the September 18-19, 2003 meeting held in West Palm Beach, FL.
- ◆ The 2004 NASCLA Annual conference will take place on September 27 through October 1, 2004 in Rhode Island.
- ◆ Future meeting dates and locations are:
  1. January 22-23, 2004 in Key West, FL.
  2. March 17-18, 2004 in West Palm Beach, FL.
  3. May 12-14, 2004 in St. Augustine, FL.
  4. July 21-23, 2004 in Tampa, FL.
  5. September 16-17, 2004, in Destin, FL.
  6. November 18-19, 2004, in Tallahassee, FL.

## **OLD BUSINESS**

- ◆ The board reviewed correspondence to and from the Florida Building Commission (FBC) regarding the number of hours course hours to be developed and assigned to the Building Code Training Program Advance Modules. The board voted unanimously to develop zero (0) hours for the Advanced Modules. Mr. Knap will address correspondence to the FBC concerning the board's decision.
- ◆ Mr. Tibbs reported that correspondence had been received from the Florida Engineers Management Corporation, Board of Professional Engineers (FEMC/BOPE) concerning the ECLB's intent to amend Rule 61G5-5.001(5), F. A. C., Definitions; to allow electrical contractors to perform work which is presently prohibited by Section 471.003, F. S., which is an electrical engineering statute. Mr. Tibbs reported that FEMC/BOPE met on November 13, 2003 and would reply to the ECLB's previous inquiry.

## **NEW BUSINESS**

The Board engaged in discussion on Privatization with a presentation by Eric D. Prutsman, Esq., Prutsman & Stahl, P. A., and Rick Watson, Esq., Richard Watson, Esq., Richard Watson and

Associates, Inc.; reviewed correspondence from Ernest A. Salley, RCDD Concerning Section 489.503(14)(b), F. S., Exemptions and Rule 61G6-7.001(4), F. A. C.; held discussion on an inquiry from Ken Baker, C. B. O., concerning Putnam County Ordinance No. 94-23A; Grandfathering Proposal for Specialty Categories Registration; and reviewed a Special Presentation from DBPR Senior Staff. Highlights included:

- ◆ Messrs. Prutsman and Watson are lobbyists for the Alarm Association of Florida and the Florida Association of Electrical Contractors, respectively.
- ◆ Opinion that privatization can provide better staffing at less cost.
- ◆ Opinion that privatization can provide more efficient application processing, course renewals and investigations.
- ◆ The ECLB has the final say on whether to privatize or not.
- ◆ Presently four (4) privatization models have been considered by other boards.
- ◆ The ECLB will be involved in the review process and will have the support of the Department.
- ◆ Messrs. Watson and Prutsman will prepare a feasibility study for presentation to the ECLB at the January 2004 meeting and coordinate their efforts with Michele M. Poole.

In correspondence dated October 15, 2003, regarding Section 489.503(14)(b), F. S., Exemptions and Rule 61G6-7.001(4), F. A. C Ernest A. Salley, wrote in part:

*"...I wish your assistance in defining and clarifying the applicability of Chapter 489 part II of Florida Statutes, specifically **489.503 – Exemptions. Part 14b**...would seem to indicate that if a business is installing a proprietary telephone system, voice and data premise wiring, or premises equipment for a customer, that these services are exempt from the requirements of licensure under this statute..."*

Ms. Clark recommended the board request Mr. Salley to file a Petition for Declaratory Statement concerning his inquiry. Mr. Mugford and Ms. Small entered a motion and a second respectively authorizing Board Counsel to draft a letter to Mr. Salley advising him to file a proper petition. The board voted on the motion. The motion passed unanimously.

Mr. Spence read into the record fax correspondence from Michael Gay, M. Gay Constructors, Inc., dated November 10, 2003 concerning public utilities bidding on contract work. Mr. Gay wrote in part:

*"...I am a certified electrical contractor specializing in the sports lighting of ball fields around the State of Florida...My concern is that the utility company, Progress Energy, for the past 2 years has been aggressively pursuing and contracting electrical installation for sports lighting systems. They are bidding on government, private projects and negotiating them as well. They have contact me to solicit the installation of poles and fixtures for projects on the weekend...Please advise if this is proper and if they have the proper license and insurance to be contracting electrical work. I would also like to know if it is proper for a public utility company to be bidding on electrical work in the public and private sector..."*

Mr. Spence reported that a review of Department licensing records revealed that Progress Energy is not licensed pursuant to Chapter 489, Part II, F. S. Ms. Clark recommended that Mr. Gay submit a proper Petition for Declaratory Statement. Mr. Sandefer and Ms. Poole entered a motion and a second respectively authorizing Board Counsel to draft a letter to Mr. Gay advising him to file a proper petition and to file a complaint against Progress Energy.

Mr. Tibbs introduced discussion on an inquiry from Ken Baker, C. B. O., concerning Putnam County Ordinance No. 94-23A; Grandfathering Proposal for Specialty Categories Registration. Ken Bajer, C. Bo. O. Putnam County was present along with Patrick Kennedy, Director of Planning and Development, Putnam County. In an email sent October 31, 2003, Mr. Baker wrote in part:

*"...Putnam County is in the process of amending its' contractor licensing ordinance... To provide the Board some background, Putnam County in 1994 abolished all state and specialty licenses not specifically provided for in Florida Statutes 489, inclusive of journeyman categories... This action has been recognized as not in the best interest of the Citizens, Contractors and Building Department. We are therefore addressing all categories in an attempt to add licensing categories. We are diligently trying to close this door to unlicensed and incompetent construction activities, at the same time we do not wish to force competent local businesses to close their doors. Therefore we are asking the ECLB to review the following two proposals for possible implementation by Putnam County...1. We would like to provide for a grandfather clause to bring current unlicensed individuals into compliance. This however may further violate FS 489 as many of the trades listed above are required to register with the board. To register with the board the individual would be required to satisfactorily pass an examination in accordance with FS 489.513. 2. We would like to provide for a sunset on the grandfather clause of two years. This would allow an applicant to continue in practice for two years under the grandfather provisions, within that two year window the applicant would be required to pass an approved examination and register his / her license with the ECLB...The quandary is we want to move from unlicensed activities to those of compliance, however there appears to be no mechanism to move forward from point "A" to point "B" without damaging local business, our economy, the employment of many of our citizens as well as the adverse political reactions towards our local government. Would the board support one or both of the two referenced methods, a combination thereof or an alternative method? And, are there categories listed above which we could license or grandfather without the requirements of a successful examination and registration process?"*

Highlights of discussion included:

- ◆ Ms. Clark stated that the ECLB could not do anything and could not intervene.
- ◆ Issuance of permits to unlicensed contractors is illegal.
- ◆ Putnam County Ordinance No.: 94-23A forces some contractors to be in violation of the law.
- ◆ Suggestion to develop a locally administered examination for registration.
- ◆ Suggestion to seek reciprocity with Flagler County.

Department Senior Staff lead by Secretary Diane Carr, made a special presentation to the ECLB. Also present and presenting were:

- ◆ Mark Whitten, Director, Professions and Regulation
- ◆ John Epstein, Director Service Operations
- ◆ Jean Whitten, Director, Planning and Budgeting
- ◆ GW Harrell, Regulation Counsel
- ◆ Mike Murphy, Bureau Chief Central Intake Unit
- ◆ Ken Walling, Bureau Chief Customer Contact Center
- ◆ Gus Ashoo, Acting Bureau Chief, Education and Testing
- ◆ Mark Reddinger, Administrator ULA Program
- ◆ Mike Edenfield, Senior Operations Analyst, Audits

Each presenter addressed the board and provided an functional overview of their respective Bureau or Unit and answered questions from the board members.

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

Ms. Clark's report was covered during the Rules Committee session.



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

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

- ◆ Mr. Spivey re-introduced Mr. Knap to the board.
- ◆ Mr. Knap stated he was looking forward to working closely with the ECLB.
- ◆ Mr. Spivey reminded the board members and staff to be sure to get a "zero balance" invoice from the hotel upon checkout.

### **CHAIRPERSON'S COMMENTS – Clarence Tibbs, Chairperson**

Mr. Tibbs thanked Mr. Spivey for his service to the ECLB and welcomed Mr. Knap.

Mr. Tibbs thanked Gail Scott-Hill for hosting the gathering at her home the previous evening.

Ms. Tibbs 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 and that further consideration be given to the development of a Business Section CBT exam.

Meeting adjourned.