

**MINUTES FROM THE
JANUARY 22-23, 2004
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING**

**Crowne Plaza La Concha
430 Duval Street
Key West, FL 33040**

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

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

OTHERS PRESENT

Jerry Wilson, Deputy Division Director
John T. Knap, Executive Director
Gregory Spence, Government Analyst
Mary Ellen Clark, Assistant Attorney General
Gail Scott-Hill, Chief Attorney, Professions
Phillip May, Court Reporter, Official Reporting
See Attachment 1 for others present.

DISCIPLINARY CASES – Gail Scott-Hill, Chief Attorney

**Daniel Anthony Dudeck
240 N. W. 76th Drive, Suite C
Gainesville, FL 32607
and
Daniel Anthony Dudeck
P. O. Box 13734
Gainesville, FL 32604
Case No.: 2002-004303
Motion to Vacate Final Order
Recused: Mugford, Kiner & Small**

The case was withdrawn from the meeting agenda because it was not properly noticed and Mr. Dudeck requested a continuance until a later date.

MOTION: Mr. Abreu moved to withdraw the case from the agenda and continue the case until a later date.

SECOND: Mr. Sandefer.

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

APPLICATION COMMITTEE – Jeffrey M. Kiner, Vice-Chairperson

Second Business Applications

Present during this portion of the meeting were: Lewis Curtis, Electric Services, LLC; Timothy Dickey, Masco Contractor Services Central, Inc. d/b/a: Gale Insulation; Roger Duffield, Gorilla Technical Services, LLC; Richard Kirkman, Edwards Electric Service, LLC; Jay A. Linkenhelt, Preston-Link Electric, Inc.; Dennis A. Oyler, Code One Group, Inc.; Jed Mitchell, CJ'S Sales & Service of Ocala, Inc.; Antonio Nieto, All Star Electrical Services, Inc.; Ottis Teston, Hawkeye Security, Inc.; Dawn Johnson, Security Alarm Financing Enterprises, LP d/b/a: SAFE; and James Bradshaw.

Mr. Knap 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 Roger W. Duffield, the Committee expressed concern regarding Mr. Duffield's application and his understanding of the scope of work for an electrical contractor because Mr. Duffield stated he was attempting to qualify Gorilla Technical Services, LLC, so that they could lease skilled help to other electrical contractors and not necessarily pull permits or perform contracting themselves. Mr. Duffield further stated that his position with Gorilla Technical Services, LLC, would be that of a “consultant.” The Committee along with Board Counsel Mary Ellen Clark explained to Mr. Duffield that the scope of work he described was essentially an employee leasing function that requires licensure through the Board of Employee Leasing Companies. After further discussion the Committee recommended Mr. Duffield withdraw his application in lieu of it being denied.

Also present was James Bradshaw, an applicant for unlimited electrical contractor examination. Review of Mr. Bradshaw's application revealed that Mr. Bradshaw's civil rights had not been restored subsequent to a felony conviction. The Committee recommended the application be continued until

12/04/2004 with a waiver of Section 120.60(1), F. S., until Mr. Bradshaw could demonstrate restoration of his civil rights. Mr. Bradshaw stated his understanding of the Committee's recommendation and agreed to waive his rights pursuant to Section 120.60(1), F. S.

MOTION: Mr. Abreu moved to continue the application until 12/04/2004 with a waiver of 120.60(1), F. S., until Mr. Bradshaw could demonstrate restoration of his civil rights.

SECOND: Mr. Sandefer.

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

Pursuant to written request for continuance, the following applications were tabled until the March 17-18, 2004 Board meeting: Matthew J. Breen, National Infotech Services, LLC d/b/a Speed Wire NFS; Robert Eugene Douglas, In Home Technology, Inc.; Mark A. Howard, Mark Howard Electric, Inc.; Raymond C. Miller, Advanced Link Systems, Inc. Ms. Clark cautioned that all future requests for continuance should include a waiver of rights to agency action in accordance with Section 120.60 (1), F. S.

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

John W. Nemeth Application Denial – Certification of a Registered License

By fax correspondence dated January 8, 2004, Mr. Nemeth requested the Board grant a continuance for the review of his application because he was not able to travel to Key West.

MOTION: Mr. Abreu moved to grant a continuance.

SECOND: Ms. Small.

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

Kenneth J. Loeper Application Denial – Certified Electrical Contractor Examination

On or about June 27, 2003, Mr. Loeper 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 work experience requirements in Section 489.511(2)(a), F. S., because the applicant did not demonstrate the required number of years experience; had not worked for a contractor long enough; and the applicant's 3-phase experience was in maintenance, not installations.

The Notice of Intent to Deny was filed with the Department on October 24, 2003, and serviced to Mr. Loeper by return receipt certified mail on October 24, 2003. Mr. Loeper received the document on October 28, 2003 and timely submitted an Election of Rights form on November 5, 2003. Notice of the hearing date time and location was serviced to Mr. Loeper on December 18, 2003.

Mr. Loeper was not present and was not represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Loeper's application, employment and experience. During discussion, the Board asked staff to check if Flagler Electric, as shown on page 75

of the meeting agenda, was a duly licensed entity. Staff reported that Flagler Electric was not licensed. After discussion:

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

SECOND: Ms. Small.

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

RECONSIDERATIONS – Mary Ellen Clark, Assistant Attorney General

Larry R. King

Application Denial – Certification of a Registered License

This matter came before the Board at a duly noticed public meeting on March 21, 2002 in Dania, FL. On or about July 16, 2001, Mr. King submitted an application for certification of his registered license. The application was reviewed by the Board at a duly noticed public meeting of the Board in Dania, FL on September 11-12, 2001. The Board voted to deny Mr. King's application on the grounds that his civil rights had not been restored subsequent to serving a felony conviction in accordance with Section 112.011, F. S.

The Notice of Intent to Deny was filed with the Department on September 20, 2001, and serviced to Mr. King by return receipt certified mail on September 20, 2001. Mr. King received the document on September 24, 2001, and timely submitted an Election of Rights form on October 12, 2001. Notice of the hearing date, time and location was serviced to Mr. King, on February 7, 2002.

At the hearing, Mr. King requested a continuance pending a petition before the state of Georgia for reinstatement of his civil rights. Mr. Abreu and Mr. Roberts entered a motion and a second, respectively, to grant a continuance of the matter until Mr. King could demonstrate restoration of his civil rights.

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

MOTION: Mr. Sandefer moved to REVERSE the board's previous denial and APPROVE Mr. King's application.

SECOND: Ms. Small.

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

Jorge Leon

Application Denial – Certified Electrical Contractor Examination

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. Leon's application failed to meet the work experience requirements in Section 489.511(2)(a), 3.a., F. S., because the applicant had not worked for an electrical contractor.

Subsequent to the denial, Mr. Leon, upon receipt of the Notice of Intent to Deny, submitted an Election of Rights Form, requesting to supplement his application for reconsideration. The Board elected not to reconsider the application.

The Notice of Intent to Deny will become final agency action and was filed with the Department on October 24, 2003, and serviced to Mr. Leon by return receipt certified mail on October 24, 2003. Mr. Leon received the document on November 4, 2003, and timely submitted an Election of Rights form on November 14, 2003. Notice of the reconsideration date, time and location was serviced to Mr. Leon, on December 18, 2003.

Josie Gonzalez
Application Denial – Alarm System Contractor I Examination-

On or about August 26, 2003 Ms. Gonzalez 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. The application was denied on the grounds that it failed to demonstrate sufficient work experience as required by Section 489.511(2)(a), 3.b., F. S.; the application did not demonstrate 48-months (4 years) of supervisory experience.

The Notice of Intent to Deny was filed with the Department on October 24, 2003, and serviced to Ms. Gonzalez by return receipt certified mail on October 24, 2003. Ms. Gonzalez received the document on October 30, 2003, and timely submitted an Election of Rights form on November 14, 2003. Notice of the reconsideration date, time and location was serviced to Ms. Gonzalez, on December 18, 2003.

Ms. Gonzalez was not present, nor represented by counsel. The board entered into discussion regarding Ms. Gonzalez's application, experience and supplemental documentation. After discussion:

MOTION: Mr. Bellemare moved to direct staff to request Ms. Gonzalez make an appearance at the next Board meeting to discuss her qualifications and application.

SECOND: Mr. Mugford.

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

BOARD MEETING MINUTES

November 20-21, 2003 Board Meeting Minutes, Tallahassee, FL

The board reviewed the minutes from the November 20-21, 2003 meeting held at the Department of Business & Professional Regulation, 1940 N. Monroe Street, Tallahassee, FL. Ms. Clark pointed out that page 19 of the minutes was incorrect; specifically in the notation that the application for certified electrical contractor by endorsement of Mohammed T. Orouji. The application was not denied as recorded in the meeting meetings, but actually approved contingent as a residential specialty contractor pending Mr. Orouji submitting an amended application to reflect the change in licensure category.

MOTION: Ms. Poole moved to APPROVE the meeting minutes with the noted corrections.

SECOND: Ms. Small.

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

LEGISLATIVE COMMITTEE REPORT – Norman Mugford

No report.

RULES COMMITTEE REPORT – Kimberly A. DeBerry

The Rules Committee reviewed the January 2004, Rules Report prepared by Mary Ellen Clark; proposed amendment to Rule 61G6-5.006, F. A. C., Certification of Additional New Business Entity or Transfer; proposed amendment to Rule 61G6-6.001, F. A. C., Certification Examination Requirements; update on the status of Rule 61G6-10.002, F. A. C., Disciplinary Guidelines; Rule 61G6-10.007, F. A. C., Probation; Rule 61G6-10.008, F. A. C., Mediation; and considered Board Counsel's recommendation to amend Rule 61G6-5.004, F. A. C., Requirements for Certified Qualifying Agent Application and Rule 61G6-5.006, F. A. C., Certification of Additional New Business Entity or Transfers. Highlights of the report included:

61G6-5.006, F. A. C., Certification of Additional New Business Entity or Transfer

(1) A qualifying agent who wishes to engage in contracting in his own name or in affiliation with another business entity shall be required to submit an application to the Department. The application shall be accompanied by the materials listed in Rule 61G6-5.004, F.A.C. The application shall be accompanied by the application fee. The applicant shall appear before both the Committee and the Board. The Board office shall schedule all qualified applicants for appearance before the Committee.

(2) Through (4) No change.

Specific Authority 489.507(3), 489.511(3), 489.521(2), (3)(a) FS. Law Implemented 489.511(3), 489.521(2), (3)(a), (8) FS. History–New 1-2-80, Amended 4-16-82, 6-22-82, Formerly 21GG-5.06, Amended 11-3-92, Formerly 21GG-5.006, Amended 11-30-94, 5-2-96, 6-16-98, _____.

MOTION: Mr. Abreu moved to ACCEPT the proposed change to Rule 61G6-5.006.

SECOND: Mr. Kiner. The Board voted on the motion. The motion passed unanimously.

61G6-6.001, F. A. C., Certification Examination Requirements

(1) through (2) No change.

(3) The following certification examinations are offered ~~The content areas of each examination and the approximate weight assigned to each section are as follows:~~

(a) ~~Unlimited Electrical Contractor. Technical Section 64%; General Business Section 33%; and Safety Section 3%.~~

(b) ~~Residential Electrical Contractor. Technical Section 59%; General Business Section 33%; and Safety Section 8%.~~

(c) Alarm Systems Contractor I. ~~Technical Section 66%; General Business Section 25%; and Safety Section 9%.~~

(d) Alarm Systems Contractor II. ~~Technical Section 70%; General Business Section 25%; and Safety Section 5%.~~

(e) Limited Energy Contractor. ~~Technical Section 69%; General Business Section 25%; and Safety Section 6%.~~

(f) Sign Specialty Contractor. ~~Technical Section 70%; General Business Section 25%; and Safety Section 5%.~~

(g) Lighting Maintenance Contractor. ~~Technical Section 70%; General Business Section 25%; and Safety Section 5%.~~

(h) Utility Line Electrical Contractor.

(4) No change.

Specific Authority 455.217(1)(b) FS. Law Implemented 455.217(1)(b) FS. History—New 1-2-80, Amended 4-26-81, 1-19-84, Formerly 21GG-6.01, 21GG-6.001, Amended 3-20-95, 5-2-96, 5-7-97, 10-6-97, 9-7-98, 10-7-99, 2-17-00, _____.

MOTION: Mr. Sandefer moved to ACCEPT the proposed changes to Rule 61G6-6.001(3)(a) through (g).

SECOND: Ms. DeBerry.

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

MOTION: Ms. Poole moved to add (h) Utility Line Electrical Contractor, to the proposed rule amendment.

SECOND: Ms. DeBerry.

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

January 2004 Rules Report

Rule	Title	Published	Approved	Noticed	Adopted	Effective
61G6-5.004	Requirements for Certified Qualified Agent	10/10/03	11/21/03	12/19/03	JAPC letter	

January 22-23, 2004
ECLB Meeting Minutes

	Applicant					
61G6-5.006(1)	Certification of Additional New Business Entity or Transfer	12/19/03				
61G6-6.001	Certification Examination Requirements	12/19/03				
61G6-5.004	Requirement for Certified Qualifying Agent Application	10/10/03				
61G6-10.002	Disciplinary Guidelines	6/13/03	11/21/03	12/19/03		
61G6-10.007	Probation	6/13/03		10/17/03	JAPC letter (Notice of Change)	1-9-04
61G6-10.008	Mediation	12/19/03				

Details of Ms. Clark's recommended amendments to rules 61G6-5.004, and 61G6-5.006, F. A. C., are as follows:

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

In order that the Board may carry out its statutory duty to investigate the financial responsibility, credit, and business reputation of an applicant for qualifying agent status, an applicant shall be required to forward the following to the Department for review by the Board:

(1) No change.

(2) A reviewed ~~comprehensive~~ 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:

(a) through (5) No change.

Specific Authority 489.507(3), 489.515(1), 489.521 FS. Law Implemented 489.515(1), 489.521, 489.522, FS. History—New 1-20-80, Amended 4-17-80, 4-30-81, 1-11-84, Formerly 21GG-5.04, Amended 2-3-86, 11-23-86, 8-27-87, 12-24-87, 11-26-90, 7-8-91, Formerly 21GG-5.004, Amended 3-20-94, 11-30-94, 5-2-96, 2-13-97, 11-23-97, 4-14-98, _____.

61G6-5.006, F. A. C., Certification of Additional New Business

(1) A qualifying agent who wishes to engage in contracting in his own name or in affiliation with another business entity shall be required to submit an application to the Department. The application shall be accompanied by the materials listed in Rule 61G6-5.004, F.A.C. The application shall be accompanied by the application fee. The applicant shall appear before the Application Review Committee for review of the application and may appear before both the Committee and the Board. The Board Office shall schedule all qualified applicants for appearance before the Committee.

(2) through (4) No change.

Specific Authority 489.507(3), 489.511(3), 489.521(2), (3)(a) FS. Law Implemented 489.511(3), 489.521(2), (3)(a), (8) FS. History–New 1-2-80, Amended 4-16-82, 6-22-82, Formerly 21GG-5.06, Amended 11-3-92, Formerly 21GG-5.006, Amended 11-30-94, 5-2-96, 6-16-98.

MOTION: Ms. Small moved to ACCEPT the proposed rule amendment.

SECOND: Mr. Bellemare.

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

FINANCIAL BUDGET LIAISON REPORT– Clarence Tibbs, Chairperson

No report.

PROSECUTING ATTORNEY’S REPORT – Gail Scott-Hill, Chief Attorney, Professions

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 January 20, 2004:

- ◆ 9-cases in the Office of the General Counsel.
- ◆ 17-cases set for Probable Cause.
- ◆ 2-cases with Administrative Complaints filed.
- ◆ 1-case set for Board Presentation.
- ◆ 2-cases ready for Default.
- ◆ 7-cases where Formal Hearings have been requested.
- ◆ 0-case referred to DOAH.
- ◆ 0-cases awaiting Final Order.
- ◆ 6-cases awaiting outside action.

UNLICENSED ACTIVITY (ULA) ENFORCEMENT REPORT – Gail Scott-Hill, Chief Attorney, Profession

Ms. Scott-Hill directed the board’s attention to the Unlicensed Activity case report prepared by Laura Gaffney, Chief Attorney, Unlicensed Activities Section, Office of the General Counsel.

Details of the report included the following activity for January 1, 2003 through December 31, 2003:

- ◆ 187-cases in the Office of the General Counsel.
- ◆ 136-cases where Cease & Desist Order was issued.
- ◆ 22-cases where no Probable Cause was found.
- ◆ 21-cases where an Administrative Complaint was filed.
- ◆ 8-cases sent for supplemental investigation.
- ◆ 10-cases where Final Order has been issued.

The Board engaged in discussion regarding the current insurance audit being conducted by the Department and unlicensed practice and enforcement activities in the electrical and alarm contracting industries. Highlights of discussion included:

- ◆ 1600-Audit Notices sent.
- ◆ 100-licensees have failed to respond.
- ◆ 70-respondents show evidence of non-compliance.
- ◆ Cases will be opened on those licensees not in compliance.
- ◆ Recommendation to balance Citation Authority with Administrative Complaints.
- ◆ Board does not want to relinquish authority of a case until the Board has reviewed the case.
- ◆ Concern regarding non-compliant licensees being able to renew their licenses.
- ◆ ULA complainants may be protected from liability per Section 455.225(11), F. S., unless complaints are made in bad faith.
- ◆ St. Johns County Building Department has a Contractor Hotline available for reporting unlicensed contractors.
- ◆ Report that some city officials are not checking after low-voltage and BASA/FASA violators and violations.
- ◆ Directive to Board staff to send a letter to all Building Officials advising that low-voltage license are required.
- ◆ Recommendation to continually think of methods and procedures to effect stings, sweeps and covert operations.

UNLICENSED ACTIVITY (ULA) COMMITTEE REPORT – Kimberly A. DeBerry

The ULA held brief discussion on the status of development of a combined professional board ULA Committee. Highlights included:

- ◆ Recommendation to include regional investigators and Laura Gaffney, Chief Attorney, Unlicensed Activity in committee talks.
- ◆ Opinion that ULA as it relates to electrical contracting is difficult to detect and evaluate.
- ◆ The Department has established a hotline to report ULA.
- ◆ Opinion that local and State Law Enforcement should prosecute ULA more aggressively.
- ◆ ULA violations should have concurrent penalties – criminal and administrative.
- ◆ Report that some contracting vendors sell to licensed contractors only.
- ◆ Suggestion to boycott vendors or manufacturers who sell to unlicensed contractors.
- ◆ Opinion, that historically the Department has not followed-up on ULA cases.
- ◆ Report that a ULA media campaign is under way.
- ◆ Recommendation that the Department have a toll-free telephone number.
- ◆ Opinion that some contractors are frustrated with the Department's lack of creating Public Service Announcements (PSAs), flyers, and other public information concerning ULA.

- ◆ Recommendation that Department have a presence at trade shows and home shows.
- ◆ Consideration to hold homeowners liable for aiding and abetting ULA in some cases.
- ◆ Recommendation to provide education to consumers and the general public.
- ◆ Recommendation to hold local Building Officials accountable.
- ◆ Recommendation to propose license enforcement to local authorities as a revenue source.
- ◆ Recommendations to further involve the Department and local authorities in sting and sweep operations.

PROBATION COMMITTEE REPORT– Paul Sandefer

No report.

NEWSLETTER COMMITTEE – Roger E. Langer

The Committee reviewed the draft newsletter. Highlights of discussion included:

- ◆ Recommendation to include an article regarding continuing education (CE) providers and the requirement to electronically report to the Department within five (5)-days.
- ◆ Recommendation to insert an article reminding licensees to regularly check their CE online at www.MyFloridaLicense.com
- ◆ Recommendation to write an article reminding CE providers that course numbers must be included in all course announcements and advertisements.

EXAMINATION COMMITTEE REPORT – Clarence Tibbs, Chairperson

The Committee reviewed the November 20, 2003 Examination Summary; the November 20, 2003 Pass/Fail List; the March 9, 2004 Examination Reference List; and help brief discussion concerning the progress of development of a Business Exam CBT. Highlights included:

- ◆ 117 Candidates sat for the November 20, 2003 exam; 49 candidates, or 41.9% received a passing score; 58.1% of candidates failed the exam.
- ◆ Further development of a Business Section CBT will be dependent on a number of rule and business procedure changes and will affect other service areas within the Department.

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

The Endorsement Committee reviewed the updated Endorsement and/or Reciprocity Matrix; the May 1998 and January 1999, Florida/Georgia Resolution Agreements and Examination Evaluation Reports for the State of Georgia Licensing Examination for Restricted and Unrestricted Electrical Contractors; the March 1998 Examination Evaluation Report for the State of South Carolina Master Electrician Licensing Examination; the March 1998 Examination Evaluation Report for the State of North Carolina Unlimited Electrical Contractor Licensing Examination; and the March 2001 Examination Evaluation Report for the State of California Electrical C-10 Licensing Examination. Highlights of discussion included:

- ◆ The ECLB has previously reviewed the examinations that Georgia candidates for unlimited licensure must pass and found them substantially similar to or equivalent to the Florida licensure examination. The Georgia licenses equate to those in Florida as follows:
Florida Unlimited Electrical (EC) = Georgia Class II Unrestricted And Low Voltage Unlimited
Florida Alarm System Contractor I (EF) = Georgia Low Voltage Unlimited (LVU)
Florida Alarm System Contractor II (EG) = Georgia Low Voltage Alarm (LVA)

Florida Residential Specialty (ES) = Georgia Class I
Florida Limited Energy (ES) = Georgia (LV-T) or (LV-G)

- ◆ The Department has previously reviewed the examinations that South Carolina candidates for master electrician licensure must pass and found them not to be substantially similar to or equivalent to the Florida licensure examination because; the content outline for the exams is ambiguous, making it difficult to determine equivalency, the examination did not have a business section in accordance with Rule 61G6, F. A. C., only one (1)-subject matter expert (SME) wrote items for the exam as opposed to at least five (5)-SMEs used by the Department for item writing, the content of the exam was not based on a formal job analysis but instead is based upon informal input from SMEs, licensing agencies and board members, the exam review process is an informal process, and there are no eligibility requirements for the examination in accordance with Section 489.511, F. S.
- ◆ The ECLB has previously reviewed the examinations that North Carolina candidates for unlimited licensure must pass and found them substantially similar to or equivalent to the Florida licensure examination. The North Carolina license equates to the Florida Unlimited Electrical Contractor (EC) license.
- ◆ The ECLB has previously reviewed the examinations that California candidates for electrical C-10 licensure (unlimited licensure) must pass and found them substantially similar to or equivalent to the Florida licensure examination. The California license equates to the Florida Unlimited Electrical Contractor (EC) license.
- ◆ Board Counsel reminded the Board that the statute that providing for reciprocity with other states no longer exists and that all references to reciprocity should be removed from all examination and license applications, the Board's web page, any frequently asked questions (FAQs) and the current Endorsement Matrix.

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

The Committee reviewed 38 applications for examination, 13 for additional business entities, 9 transfers and 2 certifications of registered license. Mr. Kiner presented the list of Approved/Approved Contingent Applications beginning with *Curtis, Lewis; Electric Services, LLC.*, and ending with *Sims, James*.

MOTION: Mr. Mugford moved to ACCEPT the list of Approved/Approved Contingent Applications all categories.

SECOND: Ms. Small.

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

Mr. Kiner presented the list of Denied Applications beginning with *Murray, Francis L. III*; and ending with *Knowles, Lee F.*

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

SECOND: Mr. Sandefer.

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

Mr. Kiner presented the list of Continued Applications beginning with *Breen, Matthew J., National Infotech Services, LLC d/b/a: Speed Wire NFS*; and ending with *Bradshaw, James*.

MOTION: Mr. Mugford moved to ACCEPT the list of Continued Applications.

SECOND: Ms. Small.

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

MOTION: Ms. Small moved to APPROVE the application of Reynold Burgess for certification of a registered license.

SECOND: Mr. Sandefer.

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

Approved/Approved Contingent Applications – All Categories

ADDITIONAL BUSINESS ENTITES

- | | | |
|--|--|--|
| 1. Curtis, Lewis
Electric Services, LLC | Edwards Electric Service,
LLC | CJ'S Sales & Service of
Ocala, Inc. |
| 2. Dickey, Timothy
Masco Contractor
Services Central, Inc.,
d/b/a Gale Insulation | 4. Linkenhelt, Jay A.
Preston-Link Electric, Inc. | 7. Nieto, Antonio
All Star Electrical
Services, Inc. |
| 3. Kirkman, Richard | 5. Oyler, Dennis A.
Code One Group, Inc. | 8. Teston, Ottis
Hawkeye Security, Inc. |
| | 6. Mitchell, Jed | |

TRANSFERS

- | | | |
|--|---|---|
| 1. Booth, Albert
Booth Electric, Inc. | 4. Gillis, Kevin
On Call Electrical
Contractors, Inc. | 7. Preston, Bill J.
Preston-Link Electric, Inc. |
| 2. Childs, Steven G.
WL Barton, Inc. d/b/a A1
Alarm Systems | 5. Johnson, Dawn
Security Alarm Financing
Enterprises, LP d/b/a
SAFE | 8. Samo, Russell G.
BCH Mechanical, Inc. |
| 3. Forbey, Donald C.
Piece of Work Corp of
Boynton Beach d/b/a P &
K Electric | 6. Newton, Frederick
KVA Electric, Inc. | 9. Waugh, William H.
Wire-Hand Electric
Corporation |

CERTIFICATION OF REGISTERED LICENSE (GRANDFATHERING)

- | | |
|--|---|
| 1. Martinez, Gerald
J.B.C. Builders, Inc. | 2. Burgess, Reynold
Abcon Electric, Inc. |
|--|---|

UNLIMITED ELECTRICAL CONTRACTOR EXAM

- | | | |
|------------------|---------------------|-----------------------|
| 1. Aycock, Kevin | 4. Doyle, Daniel | 7. Henry, Christopher |
| 2. Bahl, Michael | 5. Geisler, Eric | 8. Inderdeo, Dhanraj |
| 3. Berry, Edward | 6. Gonzalez, Nestor | 9. Jarvis, Emmett |

- | | | |
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| 10. Kleinman, David | 13. Martinez, Luis | 16. Watkins, Kim |
| 11. Luisi, Gennaro | 14. Merced, Eric | 17. Williams Jr., Ray |
| 12. Manolatos, Petros | 15. Richmond, Daniel | |

CERTIFIED ALARM CONTRACTOR I EXAM

- | | | |
|-------------------|---------------------|--------------------|
| 1. Hambrick, John | 3. Rosen, Michael | 5. Urbaneja, Diego |
| 2. Ray III, John | 4. Shelton, Matthew | |

CERTIFIED ALARM CONTRACTOR II EXAM

- | | |
|-------------------|----------------------|
| 1. Cuarta, Carlos | 3. Miller, Jones |
| 2. Lewis, Albert | 4. Patchett, Carolyn |

CERTIFIED SPECIALTY ELECTRICAL CONTRACTOR EXAM

Limited Energy Systems Contractor Examination

- | | | |
|-------------------|----------------------|--------------------|
| 1. Coker, Larry | 4. Mann, Andrew | 7. Seefeldt, Roger |
| 2. Halle, Robert | 5. Moyet, Bartolomew | 8. White, Chris |
| 3. Hartsman, Carl | 6. Rothenberg, Curt | |

Utility Electrical Line Contractor

1. Dotson, Jody

Electrical Sign Specialty Contractor Examination

1. Hughes, David
2. Sims, James

Denied Applications – All Categories

CERTIFICATION OF REGISTERED LICENSE (GRANDFATHERING)

Murray III, Francis L.
Florida Lighting & Signs, Inc., - *DENIED*; has not taken and passed an examination per Section 489.514 (2)(b), F. S.

UNLIMITED ELECTRICAL CONTRACTOR EXAM

Waldron, Hewlett – *DENIED; does not appear to have six (6) years experience with an electrical contracting business per Section 489.511(2)(a) 3.e., F. S.; and does not have 3-phase per Rule 61G6-5.003(1), F. A. C.*

ALARM SYSTEM CONTRACTOR I EXAM

Leal, Leonel – *DENIED; W2s do not reflect earnings equal to “full-years experience” per Section 489.511(2)(a) 3.e., F. S; and financial statement not correct/not complete per Rule 61G6-5.003(3), F. A. C.*

ALARM SYSTEM CONTRACTOR II EXAM

Knowles, Lee F. – *DENIED; Work experience W2s do not reflect years of work.*

Continued Applications – All Categories

ADDITIONAL BUSINESS ENTITIES

1. Breen, Matthew J.
National Infotech Services, LLC d/b/a
Speed Wire NFS – *CONTINUED until the
March 17-18, 2004 ECLB meeting.*
2. Douglas, Robert Eugene
In Home Technology, Inc., - *CONTINUED
until the March 17-18, 2004 ECLB meeting.*
3. Duffield, Roger
4. Howard, Mark A.
Mark Howard Electric, Inc., - *CONTINUED
until the March 17-18, 2004 ECLB meeting.*
5. Miller, Raymond C.
Advanced Link Systems, Inc., -
*CONTINUED until the March 17-18, 2004
ECLB meeting.*

UNLIMITED ELECTRICAL CONTRACTOR EXAMINATION

Bradshaw, James – *CONTINUED until 12/04/2004 with a waiver of Section 120.60(1), F. S., until applicant can demonstrate restoration of civil rights.*

CONTINUING EDUCATION COMMITTEE – Arnaldo L. Abreu

Mr. Abreu presented the list of CE Courses and FASA Courses Approved and Approved Contingent, beginning with the *Palm Construction School, Inc.; Business Maintenance* and ending with the *Automatic Fire Alarm Association, Fire Alarm Plan Review*. Messrs. Abreu and Bellemare entered a motion and a second respectively to ACCEPT the list of CE Courses and FASA Courses Approved and Approved Contingent. The Board voted unanimously to ACCEPT the list of CE Courses and FASA Courses Approved and Approved Contingent.

CE Courses and FASA Courses Approved Contingent

CE Applications - Classroom

- A. Palm Construction School Inc.
 - 1. Business Maintenance
- B. Gordon "Don" Brindley Education
 - 1. Branch & Feeder Circuit Electrical Taps
- C. Security Associated International Inc.
 - 1. Business Management Operations & Sales Management for Greater Profitability
- D. Gray Systems Inc.
 - 1. Business Practice, Workplace Safety & Workers' Comp
 - 2. Liability Issues for the Construction Industry
- E. Gold Coast School of Construction Inc.
 - 1. Fire Protection Requirements, Structure, Materials & Systems
 - 2. A Real Estate Professionals Guide to Mold
- F. Automatic Fire Alarm Association
 - 1. Fire Alarm Plan Review – *APPROVED CONTINGENT; upon providing the method of course evaluation (student comprehension or testing).*
- G. Electrical Council of Florida
 - 1. An Overview of OSHA Standards for the Control of Hazardous Energy Lockout/Tagout – *APPROVED; please note that instructors Gang & Landry do not have enough information to approve them per Rule 61G6-9.007, F. A. C.*
 - 2. Structured Wiring Installation – *APPROVED; may be taught to all target audiences.*
 - 3. Structured Wiring Options and Upgrades - *APPROVED; may be taught to all target audiences.*
- H. David Ullian Larson
 - 1. Electrical Inspector Commercial Certification & License Exam Prep
- I. Central Florida Electrical JATC
 - 1. OSHA 10 Hour – Part I
 - 2. OSHA 10 Hour – Part II
 - 3. OSHA 10 Hour – Part III
- J. Florida Electrical Apprenticeship & Training, Inc.
 - 1. 2002 Electrical Code Changes

A. BlueTech, LLC (d/b/a BlueVolt)

1. 2002 NEC Significant Changes - APPROVED; may be taught to all target audiences.

CE Applications – Classroom: Renewals

A. Central Florida Electrical JATC

1. Grow Your Business through Apprenticeship
2. Market Your Business through the Web
3. Effective Supervision I
4. Workers' Compensation and You

B. National Code Seminars

1. Introduction to the 2002 NEC

C. International Association of Electrical Inspectors

1. One & Two Family Dwellings of Electrical Systems
2. 2002 NEC Analysis of Change
3. Soars Grounding of Electrical Systems

D. Florida Electrical Apprenticeship & Training, Inc.

1. OSHA in the Workplace
2. Business Basics
3. Florida Building Code Basic Core
4. Worker's Compensation

CE Applications – Internet/Homestudy Format: Renewals

A. Gold Coast School of Construction Inc.

1. The Practitioner's Guide to the Florida Building Code

Fire Alarm System Agent Applications

A. Jacksonville Academy of Electrical Technology

1. Fire Alarm Systems

B. Automatic Fire Alarm Association

1. Fire Alarm Plan Review

GENERAL SESSION

Mr. Tibbs reminded the Board that joint meetings must take place with the Construction Industry Licensing Board (CILB) in accordance with Section 489.507(6), F. S.

OLD BUSINESS

The Board engaged in discussion concerning the City of Boca Raton Municipal Code 7-63 UL Listed Contractors. The Board directed staff to invite the pertinent persons from the City of Boca Raton to the March 17-18, 2004 meeting. Ms. Clark stated that the City of Boca Raton had informed her that a response to her letter dated December 24, 2003 was forthcoming. Ms. Poole requested that a copy of the forthcoming response be forwarded to her as soon as possible so that she could work with some of the professional associations in her area. The Board will also discuss gated communities that provide alarm monitoring services and the requirement for licensure at this meeting.

The Board also discussed the licensure requirement for low-voltage contractors and directed staff to draft a letter for distribution to the Building Code Administrators and Inspectors Board (BCAIB) to enforce the licensure requirement when applicable.

NEW BUSINESS

The Board engaged in discussion regarding privatization. Prior to the meeting the Board was provided a draft feasibility study for privation of the ECLB. The study was prepared by Membership Services, Inc., Harris Management Group, reportedly with input from the Department, the Alarm Association of Florida (AAF), Associated Builders & Contractors of Florida, Inc. (ABC), Florida Association of Electrical Contractors (FAEC), Independent Electrical Contractors (IEC) and the National Electrical Contractors Association (NECA). The study was submitted by Richard Watson, Esq., Richard Watson and Associates, P. A. Presenting during this portion of the meeting was Bob Neely, Executive Director, Alarm Association of Florida. Mr. Watson could not be present due to other professional commitments. Highlights of discussion included:

- ◆ FAEC requested the Board defer deliberations on privatization until the May 12-14, 2004 meeting.
- ◆ Opinion that privatization of the ECLB could be presented to the Legislature in May 2004.
- ◆ Statement that the Legislative session begins March 8, 2004 and privatization would be too late for this year's session.
- ◆ Statement that several events contributed to the interest in privatization including outsourcing of the administrative and investigative and processes reportedly for greater efficiency.
- ◆ Statement that five (5)-professional associations had funded the draft feasibility study.
- ◆ Report that performance standards were not included in the study and that additional time was needed to collect input from the Board.
- ◆ Report that Senators Pruitt and Goodlette would work with the Department on a privatization package.
- ◆ Statement that IEC membership did not ask that a privatization study be conducted.
- ◆ Statement that ECF membership did not ask that a privatization study be conducted.
- ◆ Concern that some members of the electrical contracting industry were trying to take privatization to the Legislature without input from the Board.
- ◆ Statement that privatization of the ECLB is not yet being pursued legislatively.
- ◆ Statement that under current statute Chapter 455, privatization of the ECLB could not take place without the Board's request.
- ◆ Report that the Department's privatization bill is fueled by the Board of Architecture and Interior Design and Board of Professional Engineers privatization model.

- ◆ Report that complaints being filed but not being prosecuted drive privatization of the ECLB and enforcement is lacking.
- ◆ Concern about how complaints are going to be investigated and prosecuted through privatization.
- ◆ Statement that unlicensed activity enforcement is lacking.
- ◆ The Board expressed concern about the perception that the ECLB is in favor of privatization.
- ◆ Opinion that an unbiased body must be maintained for licensing and enforcement.
- ◆ Recommendation that the Department have greater emphasis on handling unlicensed activity and prosecuting cases.

After discussion:

MOTION: Ms. Small moved to state the Board's position as "*not in favor of privatization at this time.*"

SECOND: Mr. Sandefer. The board voted on the motion. The motion passed by a vote a 9-in favor and 2-opposed.

BOARD COUNSEL'S REPORT – Mary Ellen Clark, Asst. Attorney General

Ms. Clark's report was covered during the Rules Committee session and in review of Old Business.

EXECUTIVE DIRECTOR'S REPORT – John T. Knap

Mr. Knap reported the insurance audit was approximately 70-75% complete. To date the audit review showed that of the 1600 licensees audited, 193 are inactive; total violations were approximately 72. Mr. Knap presented a Board Task/Function Form and inquired if the Board would like to adopt the form for use.

CHAIRPERSON'S COMMENTS – Clarence Tibbs, Chairperson

Mr. Tibbs stated he was surprised by the statistics produced from the insurance audit and inquired about what happens to licensees during renewal who have not completed the Building Code Training Program Core Course requirements. Mr. Tibbs thanked Mr. Wilson for making it possible for the Board to meet in Key West, FL. Mr. Tibbs thanked Board staff for their service to the Board.

Hearing no further business, Mr. Tibbs entertained a motion to adjourn. Ms. Poole moved to adjourn. Meeting adjourned.