

**MINUTES FROM THE
May 26-28, 2004
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING**

**The Casa Monica Hotel
95 Cordova Street
St. Augustine, FL 32084
Tel: 904.827.1888**

The Board Meeting was called to order by Chairperson Clarence Tibbs at 8:00 a.m.

PLEDGE OF ALLEGIANCE AND INVOCATION – Kimberly A. DeBerry

ROLL CALL- Members Present

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

Members Absent

Donald C. Penner

OTHERS PRESENT

Jerry Wilson, Deputy Director, DBPR
G. W. Harrell, Special Counsel to the Secretary, DBPR
John T. Knap, Executive Director
Mark Reddinger, Senior Management Analyst II, DBPR
Gregory Spence, Government Analyst I
Mary Ellen Clark, Esq., Assistant Attorney General
Gail Scott-Hill, Esq., Chief Professions Attorney
Drew Winters, Esq., Assistant General Counsel
Rick Watson, Esq., Richard Watson & Associates, P. A.
Eric Prutsman, Esq., Prutsman & Stahl, P. A.
Sherrie W. Smith, St. Augustine Court Reporters, Court Reporter

DISCUSSION ON PRIVATIZATION

On May 27, 2004, 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. Messrs. Prutsman and Watson are lobbyists for the Alarm Association of Florida and the Florida Association of Electrical Contractors, respectively. Highlights included:

- ◆ 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.
- ◆ Focus on performance standards.
- ◆ Opinion that board has to ask for performance standards.
- ◆ Performance standards information valuable to the associations – what's being done what's not being done.
- ◆ Assertion that the ECLB has not requested privatization, although its been alleged that it has.
- ◆ Current bill does not require the board to ask for privatization. New bill does.
- ◆ Pending bill gives guidance to establishing privatization.
- ◆ GW Harrell and Jerry Wilson and Mark Reddinger spoke on behalf of the Department (DBPR).
- ◆ In a recent letter from David Minacci, concerning the Board of Architecture and Interior Design (BOAID), the private entity managing BOAID showed a massive increase in investigation because their vendor is for profit and gets paid by each case opened.
- ◆ DBPR out performed BOAID in the last fiscal year dollar for dollar.
- ◆ Main distinction between past bill and pending bill is the requirement for a business case – objective research.
- ◆ DBPR has responded to the associations public records request but has not participated in an objective study.
- ◆ A study done without the board and without the ECLB driving it will be inaccurate.
- ◆ Past ECLB performance standards have been superior.
- ◆ ECLB has also always operated in the black.
- ◆ Some contractors are not happy with the Department's ULA efforts and confusion about leased employees.
- ◆ Mr. Watson alleged that information requested by the associations through the public records request was not provided by the DBPR.
- ◆ DBPR staff asked "What information was not obtained through public records?"
- ◆ DBPR maintain certain specific records.
- ◆ Mr. Watson has asked for records that are not public records that require costs analyses and formatting in a form that DBPR does not maintain.
- ◆ The performance standards in the pending bill include basic information in addition to a provision for the ECLB to impose additional standards for a private entity to adhere to.
- ◆ Performance standards were provided in November 2003.
- ◆ Who decides what performance standards are germane to Mr. Watson's study?
- ◆ Idea of performance standards was an enhancement tool for entities operating outside of state government.
- ◆ DBPR is opposed to helping unauthorized intervention.
- ◆ Mr. Bellemare wants ECLB to meet to discuss performance measures standards.
- ◆ Mr. Langer thinks Mr. Watson has good ideas, but the ECLB staff is going a good job right now.
- ◆ Mr. Watson asserted that privatization has gotten the ECLB staff on its toes.

- ◆ The Customer Contact Center (CCC) should have specialized responders for the ECLB.
- ◆ CCC staff refers to FAQ's developed by ECLB staff. Any questions CCC cannot answer are referred to ECLB staff.
- ◆ DBPR has been refining its business process and addressing its weaknesses over the past year and has made great success under Secretary Carr.
- ◆ The DBPR reviews its past performance and projects its future performance.
- ◆ A business case is not available presently.
- ◆ The ECLB has to request a business case under the new bill – a needs assessment and performance standards.
- ◆ General allegations aren't proof enough to proceed with privatization.
- ◆ Mr. Bellemare wants to see facts from both sides.
- ◆ Mr. Anreu will provide a template that was used years ago.
- ◆ Rick Watson asserted that ECLB can develop it's own performance standards.
- ◆ Ultimate goal is to increase the performance of the ECLB.
- ◆ Mr. Kiner asked what organizations want privatization?
- ◆ Mr. Kiner stated that reports that ECLB wanted privatization caught many people by surprise.
- ◆ Mr. Watson responded, five (5)-associations contributed to the funding of the study.
- ◆ Mr. Mugford stated the ECLB was not here to make a decision on privatization. Mr. Mugford stated that the ECLB was here to make a decision for the associations that has funded the study and a need to bring good business and good government together to complete the study.
- ◆ Mr. Kiner asked, where are we today as opposed to five (5)-years ago?
- ◆ Mr. Abreu stated that ECLB needs to look at what information the ECLB feels is important not from an outside organization.
- ◆ Rick Watson stated that the associations volunteered the study. The board hasn't given the DBPR clear performance standards.
- ◆ Mr. Harrell stated the ECLB has done a great job. Request for performance standards came after the new bill. ECLB should develop its own standards. Mr. Harrell stated that the DBPR is concerned about outside entities performing evaluations and developing standards.
- ◆ Dust still hasn't settled from reorganization of DBPR.
- ◆ Mr. Tibbs directed that at the next meeting the ECLB would devote half a day to establishing the performance standards.
- ◆ Mr. Bellemare recommended all members think about what they want to measure.
- ◆ Mr. Harrell stated a copy of the pending bill will be provided to the membership.
- ◆ Mr. Harrell stated that DBPR would have to set up a business model, performance standards, financial model, fiscal analysis.
- ◆ Messrs. Tibbs and Abreu will provide copies of old materials to Mr. Spence for distribution to the board.

LEGISLATIVE AND RULES WORKSHOP

On May 28, 2004, the Board convened a Legislative and Rules Workshop to review the provisions of Chapter 489, Part II, F.S., Chapter 455, F. S., and Rule Chapter 61G6, F.A.C. Highlights of the workshop included the proposed amendments:

489.503 Exemptions.--This part does not apply to:

(1) Any employee of a certificateholder, registrant, or business organization authorized to engage in contracting who is acting within the scope of the license held by that certificateholder or registrant and with the knowledge and permission of the licenseholder, or any leased employee of an employee leasing company licensed pursuant to Chapter 468, Part XI, Florida Statutes. However:

(a) through (b) No change.

(2) An authorized employee of the United States, this state, or any municipality, county, irrigation district, reclamation district, or any other municipal or political subdivision of this state, except school boards, the Board of Regents, and community colleges, unless for the purpose of performing routine maintenance or repair or construction not exceeding \$200,000 to existing installations, as long as the employee does not hold himself or herself out for hire or otherwise engage in contracting except in accordance with his or her employment. If the construction, remodeling, or improvement exceeds \$200,000, school boards, the Board of Regents, and community colleges, shall not divide the project into separate components for the purpose of evading this section. This part does not apply to any contractor performing work for the state or any county or municipality.

(3) No change.

(4) Public utilities, on construction, maintenance, and development work performed by their ~~forces~~ employees and incidental to their business.

(5) through (20) No change.

History.--ss. 12, 17, ch. 79-272; ss. 2, 3, ch. 81-318; ss. 2, 14, ch. 87-254; ss. 1, 21, 23, ch. 88-149; s. 4, ch. 89-343; s. 36, ch. 90-228; ss. 1, 10, ch. 91-119; s. 42, ch. 91-137; s. 4, ch. 91-429; s. 8, ch. 92-55; s. 65, ch. 92-149; s. 270, ch. 94-119; s. 8, ch. 94-284; s. 34, ch. 95-145; s. 1, ch. 96-298; s. 73, ch. 96-388; s. 1132, ch. 97-103; s. 40, ch. 98-250; s. 35, ch. 98-419; s. 233, ch. 99-8; s. 23, ch. 99-254; s. 36, ch. 2000-372.

489.505 Definitions.--As used in this part:

(1) No change.

(2) "Alarm system contractor" means a person whose business includes the execution of contracts requiring the ability, experience, science, knowledge, and skill to lay out, fabricate, install, maintain, alter, repair, monitor, inspect, replace, or service or sell onsite alarm systems for compensation, including, but not limited to, all types of alarm systems for all purposes. The term also means any

person, firm, or corporation that engages in the business of alarm contracting under an express or implied contract; or that undertakes, offers to undertake, purports to have the capacity to undertake, or submits a bid to engage in the business of alarm contracting; or that does itself or by or through others engage in the business of alarm contracting.

(a) through (24) No change.

(25) "Burglar alarm system agent" means a person:

(a) through (b) No change.

(c) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling ~~onsite~~, or monitoring an intrusion or burglar alarm system for compensation.

(26) through (27) No change.

(28) "Fire alarm system agent" means a person:

(a) through (b) No change.

(c) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, selling ~~onsite~~, or monitoring a fire alarm system for compensation.

History.--ss. 2, 17, ch. 79-272; ss. 2, 3, ch. 81-318; s. 88, ch. 83-329; s. 3, ch. 85-290; ss. 3, 14, ch. 87-254; ss. 2, 21, 23, ch. 88-149; s. 1, ch. 89-81; s. 5, ch. 89-343; s. 41, ch. 90-228; s. 2, ch. 91-119; s. 4, ch. 91-429; s. 271, ch. 94-119; s. 187, ch. 94-218; s. 2, ch. 96-298; s. 73, ch. 96-388; s. 1133, ch. 97-103; s. 1, ch. 97-122; s. 9, ch. 98-170; s. 36, ch. 98-419; ss. 37, 46, ch. 2000-372.

489.529 Alarm verification calls required.--All residential or commercial intrusion/burglary alarms that have central monitoring must have a central monitoring verification call made to the premises generating the alarm signal, prior to alarm monitor personnel contacting a law enforcement agency for alarm dispatch. Notwithstanding the initial verification call made to the premises generating the alarm signal, an optional second verification call may be made to the premises generating the alarm signal, prior to alarm personnel contacting a law enforcement agency for alarm dispatch. However, if the intrusion/burglary alarms have properly operating visual or auditory sensors that enable the monitoring personnel to verify the alarm signal, verification calling is not required.

History.--s. 17, ch. 96-298; s. 3, ch. 97-122.

489.537 ~~Application of this part~~ Scope requirements.--

(1) This part ~~applies~~ does not apply to any contractor performing work for the state or any county or municipality.

(2) through (3) No change.

(a) through (d) No change.

~~(e)1. To refuse to issue permits or issue permits with specific conditions to a contractor who has committed multiple violations, when he or she has been disciplined for each of them by the board and when each disciplinary action has involved revocation or suspension of a license, imposition of an administrative fine of at least \$1,000, or probation.~~

2. 1. To issue permits with specific conditions to a contractor who, within the previous 12 months, has had final action taken against him or her, by the department or by a local board or agency which licenses contractors and has reported the action pursuant to paragraph (5)(c), for engaging in the business or acting in the capacity of a contractor without a license.

(f) through (8) No change.

(9) A registered electrical contractor, an alarm system contractor II certificateholder, and a registered alarm system contractor II certificate holder shall be allowed to install residential smoke detectors or residential heat detectors.

History.--ss. 11, 17, ch. 79-272; s. 374, ch. 81-259; ss. 2, 3, ch. 81-318; s. 2, ch. 87-152; ss. 10, 14, ch. 87-254; ss. 19, 21, 23, ch. 88-149; s. 8, ch. 91-119; s. 4, ch. 91-429; s. 284, ch. 94-119; s. 500, ch. 97-103; s. 31, ch. 98-287; s. 47, ch. 98-419; s. 26, ch. 99-254; s. 127, ch. 2000-141; s. 23, ch. 2000-332; s. 45, ch. 2000-372; ss. 20, 35, ch. 2001-186.

455.227 Grounds for discipline; penalties; enforcement.--

(1) The following acts shall constitute grounds for which the disciplinary actions specified in subsection (2) may be taken:

(a) through (p) No change.

(q) Violating any provision of this chapter, the applicable professional practice act, a rule of the department or the board, or a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department.

1. The following acts shall constitute grounds for disciplinary actions as provided in subsection (2):

a. Failure to comply with any provision of chapter 455.

b. Attempting to procure a certificate or registration to practice electrical or alarm system contracting by bribery or fraudulent or willful misrepresentations.

c. Having a certificate or registration to practice contracting revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory, or country.

d. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of electrical or alarm system contracting or the ability to practice electrical or alarm system contracting.

e. Making or filing a report or record which the certificateholder or registrant knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such

filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those which are signed in the capacity of a certified electrical or alarm system contractor.

f. Committing fraud or deceit, or negligence, incompetency, or misconduct in the practice of electrical or alarm system contracting.

g. Violating chapter 633 or the rules of the State Fire Marshal.

h. Practicing on a revoked, suspended, inactive, or delinquent certificate or registration.

i. Violating the applicable building codes or laws of the state or any municipality or county thereof.

j. Performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting, if the certificateholder or registrant knows or has reasonable grounds to know that the person or entity was uncertified and unregistered.

k. Knowingly combining or conspiring with any person by allowing one's certificate to be used by any uncertified person with intent to evade the provisions of this part. When a certificateholder allows his or her certificate to be used by one or more companies without having any active participation in the operations or management of said companies, such act constitutes prima facie evidence of an intent to evade the provisions of this part.

l. Acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificateholder or registrant as set forth on the issued certificate or registration or in accordance with the personnel of the certificateholder or registrant as set forth in the application for the certificate or registration or as later changed as provided in this part.

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

i. A valid lien has been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job, the contractor has received funds from the customer to pay for the supplies or services, and the contractor has not had the lien removed from the property, by payment or by bond, within 75 days after the date of the lien;

ii. A contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price that had been paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain the excess funds under the terms of the contract or refunds the excess funds within 30 days after the date of abandonment;

iii. The contractor's job has been completed and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer; or

iv. The contractor fails, within 18 months, to pay or comply with a repayment schedule of a judgment obtained against the contractor or a business qualified by the contractor and relating to the practice of contracting.

n. Being disciplined by any municipality or county for an act that is a violation of this section.

o. Failing in any material respect to comply with the provisions of this part and the rules adopted pursuant thereto.

p. Abandoning a project which the contractor is engaged in or is under contractual obligation to perform. A project is to be considered abandoned after 90 days if the contractor terminates the project without just cause or without proper notification to the prospective owner, including the reason for termination, or fails to perform work without just cause for 90 consecutive days.

q. Failing to affix a registration or certification number as required by s. 489.521(7).

r. Proceeding on any job without obtaining applicable local building department permits and inspections.

s. Practicing beyond the scope of a certification or registration.
For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

(r) through (5) No change.

History--s. 5, ch. 79-36; s. 13, ch. 83-329; s. 5, ch. 88-380; s. 8, ch. 91-137; s. 55, ch. 92-33; s. 22, ch. 92-149; s. 23, ch. 93-129; s. 9, ch. 94-119; s. 80, ch. 94-218; s. 5, ch. 95-187; s. 22, ch. 97-261; s. 144, ch. 99-251; s. 32, ch. 2000-160.

61G6-9.004 Continuing Education Requirements for Renewal for Certificateholders and Registrants.

(1) through (5) No Change.

(6) A minimum of _____ of the 14 required classroom hours of continuing education must be obtained by completing an approved provider's specialized or advanced module course, approved by the Florida Building Commission, on any portion of the Florida Building Code, relating to the contractor's respective discipline.

Specific Authority 120.52(15), 120.54(1), 455.2124, 489.507(3) FS. Law Implemented 455.2124, 489.513(3), 489.517(3) FS. History--New 11-30-94, Amended 4-22-01, ___.

MOTION: Mr. Bellemare moved to accept the proposed legislative and rule changes.

SECOND: Mr. Mugford.

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

The board reviewed the May 2004, Rules Report prepared by Mary Ellen Clark, Esq. Highlights of the report included:

May 2004 Rules Report

| Rule | Title | Published | Approved | Noticed | Adopted | Effective |
|---------------|---|-----------|----------|----------|-------------------------|-----------|
| 61G6-5.004 | Requirements for Certified Qualified Agent Applicant | 10/10/03 | 11/21/03 | 12/19/03 | 3/23/04 | 4/12/04 |
| 61G6-5.005 | Financial Responsibility; Definitions, Grounds for Denial | 2/20/04 | 3/17/04 | 4/09/04 | | |
| 61G6-5.006(1) | Certification of additional new business entity or transfer | 12/19/03 | 1/22/04 | 2/20/04 | JAPC Response (4/13/04) | |
| 61G6-6.001 | Certification Examinations Definitions, Grounds for Denial Requirements | 12/19/03 | 1/22/04 | 2/20/04 | 4/06/04 | 4/26/04 |
| 61G6-9.004(6) | Continuing Education Requirements | | | | | |
| 61G6-9.005 | Registration of Course Providers | 4/9/04 | | | | |
| 61G6-9.006 | Approving of Continuing Education Courses | 4/9/04 | | | | |

MOTION: Mr. Bellemare moved to have Ms. Clark notice Rule 61G6-12, F. A. C., Burglar Alarm System Agent Sponsor and Training Courses, for rule development.

SECOND: Mr. Sandefer.

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

- The board also discussed the practice of journeymen electricians and handymen being allowed to perform electrical contracting work in some municipalities.
- Ms. DeBerry reported that some code enforcement officials in the Duval County/St. Johns County area were “carding” journeymen on projects less than 50K square feet in scope.
- Mr. Sandefer inquired if the DBPR/ECLB could do something about the licensure and enforcement of journeymen.
- Mr. Abreu asked Ms. Scott-Hill if she could provide copies of the Florida Home Builder’s Association (FHBA) lawsuits and Attorney General Opinions regarding journeymen and handymen performing electrical contracting duties.

The board opened discussions on the requirement for licensure to perform lightning protection contracting; an advisory notice to building officials regarding license required for low-voltage work; implementation of SB 562 impacting electrical and alarm system contractors and burglar and fire alarm system agents; the installation of photovoltaic systems and solar contractors pursuant to ss.

489.105(3)(o), F. S.; and the City of Boca Raton Municipal Code 7-63 UL Listed Contractors. Highlights included:

- Board staff will draft a memorandum regarding the requirement for licensure for low-voltage work for distribution to building officials.
- Board staff will draft a memorandum regarding the requirement for licensure for lightning protection contractors for distribution to building officials. The board determined that an EC, or ER license is required to perform lightning protection contracting.
- The board authorized Ms. Clark to begin rule development for implementation of SB 562. SB 562 becomes effective July 1, 2004 and will require certificateholders and registrants to have continuing education in preventing false alarms; it revises the qualifications for burglar alarm system agents and fire alarm system agents; it provides for continuing education requirements for burglar alarm system agents; it makes required an updated criminal background check of each fire alarm system agent who renews their certification, the background check however shall not include a "Federal or NCIC" check; and makes required, fire alarm system agents to complete six (6)-hours of continuing education every two (2)-years.
- The board determined that a solar contractor licensed pursuant to 489.105(3)(o), F. S., could install the components of a photovoltaic system, but could not perform the electrical connections. The board further determined that the electrical connections would have to be performed by an electrical contractor.
- Mr. Mugford recommended that the Department of Community Affairs, Florida Building Commission (DCA/FBC) be made aware of the City of Boca Raton's UL listed contractor requirement for alarm system installation.
- Ms. Clark will meet with designated parties concerning the City of Boca Raton Municipal Code 7-63 UL Listed Contractors, to discuss the situation with the DCA/FBC.
- The Alarm Association of Florida (AAF) will pursue remedies to the situation legislatively.

MOTION: Mr. Mugford moved to authorize Ms. Clark to open discussions with the DCA/FBC concerning the City of Boca Raton Municipal Code 7-63 UL Listed Contractors.

SECOND: Mr. Tibbs.

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

RECOMMENDED ORDER DOAH CASE NO.: 03-4601 PAUL MOLOY HALL v. DBPR, ECLB – Drew Winters, Assistant General Counsel

The Honorable Robert E. Meale, Administrative Law Judge (ALJ), in this case filed the Recommended Order on April 12, 2004, pursuant to D.O.A.H. Case No.: 03-4601. In this case, Mr. Hall alleged that the scoring of his July 2003 examination was arbitrary and capricious, resulting in a failing grade. Mr. Hall failed to prove that the scoring of one question on the Electrician Contractors' Examination was arbitrary or capricious. The ALJ entered an order recommending the DBPR/ECLB enter a Final Order dismissing Mr. Hall's challenge to the scoring of his July 2003 Electrician Contractors' Examination. Mr. Winters presented the case to the board. Neither the petitioner nor his counsel was present for the proceedings.

The board members all indicated that they had received and reviewed the full record concerning this case. Mr. Winters recommended the board adopt the ALJ's Recommended Order. Mr. Winters further noted that the no Exceptions had been filed in this case. Ms. Calrk gave instructions to the board for proper procedures to adopt to reject the ALJ's Recommended Order. After discussion the board took the following action:

MOTION: Mr. Sandefer moved to adopt the ALJ's Recommended Order as Final Order of the board, including the ALJ's Findings of Fact and Conclusions of Law.

SECOND: Ms. DeBerry.

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

PROSECUTING ATTORNEY REPORT – Drew Winters, Esq., Assistant General Counsel

Mr. Winters directed the Board's attention to her report provided in the meeting agenda. Details of the report included the following as of April 12, 2004:

- ◆ 15-cases in the Office of the General Counsel.
- ◆ 5-cases awaiting outside action.
- ◆ 10-cases set for Probable Cause.
- ◆ 7-cases set for board presentation.
- ◆ 2-cases where an Administrative Complaint has been filed.
- ◆ 8-cases where Formal Hearings have been requested.
- ◆ 0-cases for Default.
- ◆ 1-case referred to DOAH.
- ◆ 0-cases awaiting Final Order.

For future meetings the board requested that a "year-old case report" be included as well. Mr. Winters directed the Board's attention to the Unlicensed Activity Report prepared by Laura Gaffney, Chief Attorney, Unlicensed Activities Section, Office of the General Counsel. Details of the report included the following:

- ◆ 31-cases in the Office of the General Counsel.
- ◆ 3-cases awaiting further investigation/expert report.
- ◆ 0-cases set for Probable Cause.
- ◆ 0-cases set for board presentation
- ◆ 9-cases where an Administrative Complaint has been filed.
- ◆ 2-cases requesting an Informal Hearing.
- ◆ 2-cases where Formal Hearings have been requested.
- ◆ 3-cases for Default/failed to respond to AC.
- ◆ 0-cases on appeal.
- ◆ 12-cases awaiting Final Order.

DISCIPLINARY CASES – Gail Scott-Hill, Chief Attorney

Daniel Anthony Dudeck

P. O. Box 13734

Gainesville, FL 32604

Case No.: 2002-004303

License Number ER 00134330

Recused: None – Notice of Withdrawal of Motion to Vacate Final Order

Mr. Dudeck was not present, nor represented by counsel. Ms. Scott-Hill explained that no action was necessary from the board at this time as the Department had served notice to Mr. Dudeck that the previously entered Motion to Vacate Final Order was being withdrawn. The Department determined that

the vacation of Final Order No.: BPR-2003-01086, filed April 17, 2003, is unwarranted and therefore permanently withdraws its Motion to Vacate Final Order.

The allegations in this case are a violation of s. 489.533(1)(o), F. S., through a violation of s. 489.522(1)(a), F. S., by failing to properly supervise electrical installation work; a violation of s. 489.533(1)(f), F. S., by committing negligence in the practice of electrical contracting by failing to properly supervise and inspect the work of employees for which he was responsible, causing a significant fire hazard to be created by faulty installation; and a violation of s. 489.533(1)(i), F. S., by allowing employees under his direct supervision and control to willfully and deliberately disregard the applicable building codes of the City of Gainesville.

The Final Order filed in this case imposes an administrative fine of \$2,500.00 and payment of administrative costs in the amount of \$284.14 within thirty (30)-days of the effective date of the order and Mr. Dudeck's license is placed on probation for a period of one (1)-year with the terms of the probation requiring Mr. Dudeck to file probationary quarterly reports with the board. The Final Order filed in this case will become final agency action.

Peter A. Langdon
3838 N. W. 36th Street, Suite 200
Oklahoma City, OK 73112
Case No.: 2003-076456
License Number: EG 0000163
Recused: Kiner, Mugford, Small

On February 16, 2004, the Department filed an Administrative Complaint in Case No.: 2003-076456 charging the respondent with a violation of s. 489.518(1)(c), F. S., by employing a person to perform the duties of a burglar alarm system agent that has been convicted within the last three (3)-years of a crime that relates directly to the business for which employment is sought; and a violation of s. 489.533(1)(o), F. S., by failing in any material respect to comply with the provisions of this part and the rules adopted pursuant thereto. On March 16, 2004 respondent filed an Election of Rights form electing not to dispute the material facts alleged in the Administrative Complaint and requested to be heard on the conclusions of law and issue of penalty.

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

Mr. Langdon was present but not represented by counsel. Mr. Langdon was sworn in by Mr. Knap. After consideration of the complete record, the Board took the following action:

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

SECOND: Mr. Bellemare.

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

MOTION: Mr. Bellemare moved to assess a penalty of \$657.99 investigative costs and \$500 administrative fine all payable within thirty (30)-days from the entry of the Final Order and Mr. Langdon's license is placed on probation for a period of one (1)-year with the terms of the probation requiring Mr. Langdon to file probationary quarterly reports with the board.

SECOND: Mr. Roberts.

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

Donald Lee McConnell
1850 West Fairbanks Avenue
Winter Park, FL 32789
Case No.: 2002-001636
License Number: EF 0000950
Recused: Kiner, Mugford, Small

On September 20, 2003, the Department filed an Administrative Complaint in Case No.: 2002-001636, charging the respondent with a violation of Section 489.533(1)(r), F.S., by proceeding on any job without obtaining applicable local building department permits and inspections. The respondent failed to timely file an Election of Rights form.

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

Mr. McConnell was not present, nor represented by counsel. Mr. Winters introduced the case for the record. After consideration of the complete record, the board took the following action:

MOTION: Mr. Sandefer moved to accept the Findings of Fact and Conclusions of Law as alleged in the Administrative Complaint.

SECOND: Mr. Bellemare.

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

MOTION: Mr. Bellemare motioned to assess a penalty of \$341.93 investigative costs, a \$2,500 administrative fine on each of six (6)-separate offenses as set forth in the Administrative Complaint, totaling \$15,000.00 payable within thirty (30)-days from the effective date of the entry of a Final Order and suspension of Mr. McConnell's license, effective immediately upon entry of the Final Order until all fines and costs are paid and Mr. McConnell appears by the board and once the suspension is lifted Mr. McConnell's license shall be placed on probation for a period of one (1)-year with the terms of the probation requiring Mr. McConnell to file probationary quarterly reports with the board.

SECOND: Mr. Langer.

The Board voted on the motion. The motion passed by a vote of six (6)-in favor and one (1)-opposed. In imposing these penalties, the board considered both the number of separate offenses and the two (2)-prior Uniform Disciplinary Citations, filed January 12, 2000 and May 23, 2002, respectively, against Mr. McConnell's license for violations of s. 489.533(1)(r), F. S., by proceeding on any job without obtaining applicable local building department permits and inspections; and ss. 489.521(7)(b), F. S., and 489.533(1)(q), F. S., Rule 61G6-4.019, F. A. C., by failing to include the registration or certification number of a in each offer of services, business proposal, or advertisement, regardless of medium, used by that contractor

Mark J. Nash
c/o Glenda L. Thornton, Esq.
Foley & Lardner
106 East College Avenue, Suite 900
Tallahassee, FL 32301-7732
Case No.: 2002-008546
License Number: ER 0014897
Recused: Kiner, Mugford, Small

At the request of the respondent, through counsel, this case was continued until the July 2004 meeting of the board to be held in Tampa, FL.

MOTION: Mr. Sandefer moved to grant a continuance in this case.

SECOND: Mr. Bellemare.

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

Richard Roberts
1314 Sunrise Drive
North Fort Myers, FL 33917
Case No.: 2002-09401
License Number: ES 0000351
Recused: Kiner, Mugford, Small

The above case was heard concurrently with Case No.: 2003-074746.

On October 22, 2003 and February 2, 2004, the Department filed an Administrative Complaint in Case No.: 2003-074746 and Case No.: 2002-009401, respectively, charging the Mr. Roberts with a violation of s. 489.533(1)(p), F. S., by abandoning a project which the contractor is engaged in or is under contractual obligation to perform, and a violation of s. 489.533(1)(m) 2., F. S., by committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer, in Case No.: 2003-074746; and a violation of s. 489.533(1)(p), F. S., by abandoning a project which the contractor is engaged in or is under contractual obligation to perform, and a violation of s. 489.533(1)(m) 2., F. S., by committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer, in Case No.: 2002-009401.

Mr. Roberts did respond to the Administrative Complaints filed but did not dispute the material facts alleged in the Administrative Complaint and requested to be heard on the conclusions of law and issue of penalty.

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

Mr. Roberts was present but not represented by counsel. Mr. Roberts was sworn in by Mr. Knap. Mr. Winters introduced the matter for the record. Mr. Roberts entered a statement to discuss mitigation only

and not dispute any issues of material fact. After consideration of the complete record, the Board took the following action:

MOTION: Mr. Sandefer moved to accept the Findings of Fact and the Conclusions of Law as alleged in the Administrative Complaints.

SECOND: Mr. Roberts.

The board voted on the motion. The motion passed unanimously. Mr. Roberts gave further testimony on his behalf. The board considered as mitigation Mr. Roberts' lack of prior disciplinary action by the board, and that Mr. Roberts took steps to lessen the harm to the public.

MOTION: Mr. Abreu moved to accept the Conclusions of Law as alleged in the Administrative Complaints.

SECOND: Mr. Sandefer.

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

MOTION: Mr. Bellemare moved to combine the Final Order in Case No.: 2002-09401 with the Final Order in Case No.: 2003-074746 and to combine the penalties in each case.

SECOND: Mr. Abreu.

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

Richard Roberts
1314 Sunrise Drive
North Fort Myers, FL 33917
Case No.: 2003-074746
License Number: ES 0000351
Recused: Kiner, Mugford, Small

Mr. Winters introduced the matter for the record.

MOTION: Mr. Abreu moved to accept the Findings of Fact and the Conclusions of Law as alleged in the Administrative Complaints.

SECOND: Mr. Roberts.

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

MOTION: Mr. Sandefer moved to accept the Conclusions of Law as alleged in the Administrative Complaints.

SECOND: Mr. Sandefer.

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

MOTION: Mr. Abreu moved to assess a penalty of payment of a \$1,000.00 administrative fine and \$544.10 administrative costs. The fine and costs shall be paid in six (6)-equal payments of \$257.35, with the first payment received by the board within thirty (30)-days of the effective date of the Final Order and the remaining five (5)-payments received one (1)-every thirty (30)-days thereafter and Mr. Roberts' license shall be placed on probation for one (1)-year from the effective date of the Final Order with the terms of the probation to require Mr. Roberts to file probationary quarterly reports with the board.

SECOND: Mr. Sandefer.

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

Thomas Wynn
1101 Princewood Drive
Orlando, FL 32810
Case No.: 2002-014058
License Number: ER 0015279
Recused: Kiner, Mugford, Small

On February 16, 2004, the Department filed an Administrative Complaint in Case No.: 2002-014058, charging the Mr. Wynn with a violation of s. 489.533(1)(s), F. S., by practicing beyond the scope of a certification or registration, and a violation of s. 489.533(1)(q), F. S., by failing to affix a registration or certification number as required by s. 489.521(7), F. S.

Mr. Roberts did respond to the Administrative Complaint elected to dispute the material facts alleged in the Administrative Complaint. On or about April 1, 2004, Mr. Wynn, withdrew his petition for Formal Hearing pursuant to s. 120.57(1), F. S., and elected instead to be heard by the board.

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

Mr. Wynn was present but not represented by counsel. Mr. Wynn was sworn in by Mr. Knap. Mr. Winters introduced the matter for the record. Mr. Scott-Hill read a notarized statement from Mr. Sconyers on behalf of Mr. Wynn. The statement read in part:

“...Please be advised that Thomas Wynn had no knowledge of the proposal given to furnish and install alarm control equipment on a project at Winter Park Hospital, Cardiopulmonary in the amount of \$4100 dated November 11, 2002.”

MOTION: Mr. Bellemare moved to accept the Findings of Fact as alleged in the Administrative Complaints.

SECOND: Ms. DeBerry.

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

After consideration of the complete record and testimony from Mr. Wynn, the Board took the following action:

MOTION: Mr. Bellemare moved to accept the Conclusions of Law as alleged in the Administrative Complaints.

SECOND: Mr. Sandefer.

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

MOTION: Mr. Bellemare moved to assess a penalty of payment of a \$1,100.00 administrative fine and \$581.32 administrative costs. The fine and costs shall be paid within thirty (30)-days of the effective date of the Final Order and Mr. Wynn's license shall be placed on probation for one (1)-year from the effective date of the Final Order with the terms of the probation to require Mr. Wynn to file probationary quarterly reports with the board.

SECOND: Ms. DeBerry.

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: James P. Blair, 21st Century Alarmtek, Inc.; David Botknecht, HW Automation, Inc.; Alberto Caro, Atlas Building & Development Corporation d/b/a Alca Electric, Inc.; Robert F. Jr. Jarvis, Very Smart Security, LLC; Phillip L. Jr. Kroyman, Universal Electric of Florida, Inc.; Michael Lawless, Strategic Energy Efficiency Associates, Inc.; James D. McElmurry, Wild Homes, Inc.; William Powell, III McKinney, B & G Refrigeration Company, Inc.; Scott Mullen, Bates Electrical Corporation; Jack H. Oliver, Pinnacle Security, Inc.; William G. Orendorf, Central Station Services, Inc., d/b/a Guardian All American Security Services; Bruce Pieper, Advanced Electrical Solutions, Inc.; Richard Wayne Rentschler, L & J Electric, Inc.; Peter Stiles, Fry and Stiles Technology, Inc.;

Jerry Sumlin, Odom Electric, Inc.; Jack Tare, Level 5 Installations, Inc., and Level 5 Video Monitoring, Inc.; Douglas W. Smith, Sonitrol of Ft Lauderdale, LLC, and Sonitrol of Tallahassee, Inc. d/b/a Sonitrol of Bay County, and Sonitrol of Tallahassee, Inc. d/b/a Sonitrol of Northwest Florida; Kenneth Kotrady, Vision Fire & Security, Inc.; and H. Henry Kroger, U. S. Heating & Air Conditioning, Inc.

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.

By written request, the application of Dominick Porretto, Jr., Total Power Electric, Inc., was continued until the July 2004 meeting of the board.

MOTION: Mr. Kiner moved to continue Mr. Porretto’s application to qualify Total Power Electric, Inc., until the July 2004 meeting.

SECOND: Mr. Sandefer.

The Board voted on the motion. The motion passed unanimously. The applications of Kenneth Kotrady, to qualify Vision Fire & Security, Inc., and H. Henry Kroger, to qualify U. S. Heating & Air Conditioning, Inc., were withdrawn at the applicants’ requests.

Review of Mr. McKinney’s application to qualify B & G Refrigeration Company, Inc., revealed a bankruptcy filing. The Committee recommended the application be approved contingent pending the submittal of a detailed bankruptcy discharge.

MOTION: Mr. Abreu moved to approved contingent Mr. McKinney’s application to qualify B & G Refrigeration Company, Inc., pending the submittal of a detailed bankruptcy discharge.

SECOND: Mr. Sandefer.

The Board voted on the motion. The motion passed unanimously. Later during the meeting Mr. McKinney was able to produce by fax a copy of a detailed bankruptcy discharge.

After review of Mr. Scott’s application to qualify Safetyguard Systems, Inc., the Committee determined that Mr. Scott lacked the required financial responsibility required by s. 489.521(8), F. S. The Committee recommended the application be denied.

MOTION: Mr. Abreu moved to deny Mr. Scott’s application to qualify Safetyguard Systems, Inc., per Rule 61G6-5.005(2)(b), F. A. C.

SECOND: Mr. Sandefer.

After review of Mr. Smith’s applications to qualify Sonitrol of Tallahassee, Inc., d/b/a: Sonitrol of Bay County and Sonitrol of Tallahassee, Inc., d/b/a: Sonitrol of Northwest Florida, the Committee determined that the applications were superfluous and not needed.

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

**Lee Forman Knowles
Application Denial – Certification Alarm System Contractor II Examination**

On or about December 11, 2003, Mr. Knowles submitted an application for certified alarm system contractor II examination. The application was reviewed by the board at a duly announced public meeting on January 22-23, 2004, in Key West, FL. The board denied the application on the grounds that the application failed to meet the work experience requirements in s. 489.511(2)(a) 3., F. S., and Rule 61G6-5.003(1), F. A. C.

The Notice of Intent to Deny was filed with the Department on April 1, 2004, and serviced to Mr. Knowles by return receipt certified mail on April 1, 2004. Mr. Knowles received the document on April 5, 2004 and timely submitted an Election of Rights Form. Notice of the hearing date, time and location was serviced to Mr. Knowles on April 15, 2004, and a corrected notice rescheduling the hearing, date, time and location was sent on May 5, 2004, scheduling the hearing for May 27, 2004 at 8:30 a. m.

Mr. Knowles was present and sworn in, but not represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Knowles's application, supplemental information, employment and experience. After discussion:

MOTION: Mr. Sandefer moved to rescind the board's previous denial.

SECOND: Mr. Roberts.

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

MOTION: Mr. Small moved to approve Mr. Knowles application for the certified alarm system contractor II examination.

SECOND: Mr. Sandefer.

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

**Steven R. Tucker
Application Denial – Certified Unlimited Electrical Contractor Examination**

On or about December 15, 2003, Mr. Tucker submitted an application for certified unlimited electrical contractor examination. The application was reviewed by the board at a duly announced public meeting on March 17-18, 2004, in Boca Raton, FL. The board denied the application on the grounds that the application failed to demonstrate Mr. Tucker's work experience met the eligibility requirements established by s. 489.511(2)(a) 3., F. S., in that Mr. Tucker's documented experience was not completed with a licensed electrical contractor and that the application failed to demonstrate the Mr. Tucker's work experience met the eligibility requirements established by Rule 61G6-5.003(1)(c) 1., F. A. C., in that at least 40% of Mr. Tucker's work experience was in 3-phase service.

The Notice of Intent to Deny was filed with the Department on April 1, 2004, and serviced to Mr. Tucker by return receipt certified mail on April 1, 2004. Mr. Tucker received the document soon thereafter and timely submitted an Election of Rights form on April 22, 2004. Notice of the hearing date, time and location was serviced to Mr. Tucker on April 26, 2004, and a corrected notice rescheduling the hearing, date, time and location was sent on May 5, 2004, scheduling the hearing for May 27, 2004 at 8:30 a. m.

Mr. Tucker was present and sworn in, but was not represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Tucker's application, employment and experience. During discussion it was revealed that the majority of Mr. Tucker's experience is in electrical generation and electric propulsion systems within the maritime industry. After discussion:

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

SECOND: Mr. Sandefer.

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

RECONSIDERATIONS – Mary Ellen Clark, Assistant Attorney General

Hewlett Waldron

Application Denial – Certified Unlimited Electrical Contractor Examination

This matter first came before the board at a duly noticed public meeting on January 22-23, 2004, in Key West, FL. The board denied the application on the grounds that the application failed to demonstrate Mr. Waldron's work experience met the eligibility requirements established by s. 489.511(2)(a) 3., F. S., in that Mr. Waldron's documented experience failed to demonstrate the Mr. Waldron's work experience met the eligibility requirements established by Rule 61G6-5.003(1)(c) 1., F. A. C., in that at least 40% of Mr. Waldron's work experience was in 3-phase service.

Upon receipt of the Notice of Intent to Deny, Mr. Waldron submitted an Election of Rights Form, requesting a Formal Hearing pursuant to s. 120.57(1), F. S. The Notice of Intent to Deny was filed with the Department on April 1, 2004, and serviced to Mr. Waldron by return receipt certified mail on April 1, 2004. Mr. Waldron received the document on April 3, 2004, and timely submitted an Election of Rights form on April 16, 2004 petitioning for a Formal Hearing pursuant to s. 120.57(1), F. S.

On or about April 20, 2004, Board Counsel Mary Ellen Clark, contacted Mr. Waldron and advised him that because he had not identified any evidentiary matters in dispute, nor made clear his desire to supplement his application, Ms. Clark suggested that Mr. Waldron hold his petition for Formal Hearing in abeyance, pending review by the board of any additional information Mr. Waldron would like to submit in support of his application. Notice of the hearing date, time and location was serviced to Mr. Waldron, on April 26, 2004, scheduling a reconsideration for May 14, 2004 at 9:00 a. m., and a corrected notice rescheduling the hearing, date, time and location was sent on May 5, 2004, scheduling the hearing for May 27, 2004 at 8:30 a. m.

Mr. Waldron was not present and was not represented by counsel. Ms. Clark introduced the matter for the record and recommended the board withhold action until Mr. Waldron was clear in his intentions to either supplement his application for reconsideration or proceed with his petition for Formal Hearing.

LEGISLATIVE COMMITTEE REPORT – Clarence Tibbs

No report. The Committee covered much of its business during the Legislative and Rules Workshop.

RULES COMMITTEE REPORT – Kim DeBerry

No report. The Committee covered much of its business during the Legislative and Rules Workshop.

UNLICENSED ACTIVITY (ULA) REPORT – Kimberly DeBerry

Ms. DeBerry reported on her activities concerning the Unlicensed Activity Committee. Jerry Wilson, Deputy Division Director, DBPR and Mark Reddinger, Senior Management Analyst, DBPR also addressed the board. Highlights of discussion included:

- Some board members stated that Mark Reddinger and the department were doing a great job with unlicensed activity.
- Mr. Wilson stated the department would provide the board a list of all regional offices and contacts.
- Some audience members stated that the ECLB and department need to do a better job of communicating enforcement activities and support to the contractors across the state.
- Mr. Wilson acknowledged the need to “beef-up” the department’s efforts and also stated that new management was in place in the Dade County office.

EXAMINATION COMMITTEE REPORT – Clarence Tibbs

The Examination Committee reviewed the March 9, 2004 Examination Summary. Highlights of discussion included:

- ◆ 131 Candidates sat for the March 9, 2004 exam; 68 candidates, or 51.9% received a passing score; 48.1% of candidates failed the exam.
- ◆ For the next meeting the board requested a spreadsheet showing the Pass/Fail rates for the last six (6)-years.
- ◆ For future meetings the board wants to review the Pass/Fail Reports; Examination Summaries; and Questions Ratings for future exams.

ENDORSEMENT COMMITTEE REPORT – Jeffrey M. Kiner

The Endorsement Committee reviewed the Endorsement/Reciprocity Matrix. There were no updates to report.

APPLICATION COMMITTEE REPORT – Jeffrey M. Kiner

The Application Committee reviewed 47 applications for examination, 25 for additional business entities, 3 transfers, 3 business entities, 2 endorsements, 2 certifications of a registered license, and 1 registration.

Mr. Spence read into the record the list of applications approved, approved contingent, tabled, withdrawn and denied in all categories.

MOTION: Mr. Sandefer moved to accept the lists as read into the record by Mr. Spence.

SECOND: Mr. Mugford.

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

ADDITIONAL BUSINESS ENTITES APPROVED

- | | | |
|--|---|--|
| 1. Blair, James P. 21 st Century Alarmtek, Inc. | Wild Homes, Inc. | Advanced Electrical Solutions, Inc. |
| 2. Botknecht, David HW Automation, Inc. | 8. McKinney, William Powell, III B & G Refrigeration Company, Inc. | 13. Rentschler, Richard Wayne L & J Electric, Inc. |
| 3. Caro, Alberto Atlas Building & Development Corporation dba Alca Electric, Inc. | 9. Mullen, Scott Bates Electrical Corporation | 14. Stiles, Peter Fry and Stiles Technology, Inc. |
| 4. Jarvis, Robert F. Jr. Very Smart Security, LLC | 10. Oliver, Jack H. Pinnacle Security, Inc. | 15. Sumlin, Jerry Odom Electric, Inc. |
| 5. Kroyman, Phillip L. Jr. Universal Electric of Florida, Inc. | 11. Orendorf, William G. Central Station Services, Inc. dba Guardian All American Security Services | 16. Tare, Jack Level 5 Installations, Inc. |
| 6. Lawless, Michael Strategic Energy Efficiency Associates, Inc. | 12. Pieper, Bruce – APPROVED; reinstate license number EC 0000665. | 17. Tare, Jack Level 5 Video Monitoring, Inc. |
| 7. McElmurry, James D. | | 18. Smith, Douglas W. Sonitrol of Ft Lauderdale, LLC |

ADDITIONAL BUSINESS ENTITES CONTINUED/TABLED

- | | | |
|---|---|---|
| 1. Porretto, Dominick, Jr. – Continued per the applicant's request. Total Power Electric, Inc. | the board; no action taken. Sonitrol of Tallahassee, Inc. dba Sonitrol of Bay County | the board; no action taken. Sonitrol of Tallahassee, Inc. dba Sonitrol of Northwest Florida |
| 2. Smith, Douglas W. – Deemed unnecessary by | 3. Smith, Douglas W. - Deemed unnecessary by | |

ADDITIONAL BUSINESS ENTITES DENIED

- | | |
|---|---|
| 1. Kotrady, Kenneth – Withdrawn at the applicant's request. Vision Fire & Security, Inc. | 4. Scott, Leland Mark – Denied; per 61G6- 5.005(2)(b), F. A. C. Safetyguard Systems, Inc. |
| 2. Kroger, H. Henry - Withdrawn at the applicant's request. US Heating & Air Conditioning, Inc. | |
| 3. Miller, Raymond – Withdrawn at the applicant's request. Advanced Link Systems, Inc. | |

GRANDFATHERING APPLICATIONS DENIED

1. Pavela, William Paul
Bills Electric Service, Inc. - DENIED; due to a felony arrest, Mr. Pavela would have lost his Civil Rights and does not show proof of them being restored.
2. York, Calvin - DENIED; per Section 489.514(2)(c), F. S., contractor's license (ER) must be active for 5-years.

REGISTRATION APPLICATION DENIED

1. King, Korey - DENIED; per Section 489.513(3), F. S., does not hold a certificate of competency issued by any municipality or county; examination he passed is not approved by the ECLB.

ENDORSEMENT APPLICATIONS DENIED

- | | |
|---|--|
| <ol style="list-style-type: none">1. James, Roy M. GE Automation Services, Inc., - DENIED; per Section 489.511(6), F. S., the applicant's North Carolina license was obtained through reciprocity with the State of South Carolina. South Carolina is not approved for endorsement because its certification examination is not substantially similar | <p>to the certification examination required in the State of Florida.</p> <ol style="list-style-type: none">2. Smith, Kenneth W. Ken Smith, Inc. dba Ken Smith of North Carolina, Inc., - DENIED; per Section 489.511(6), F. S., the North Carolina Alarm System License and examination are not approved for endorsement by the ECLB. |
|---|--|

EXAMINATION APPLICATIONS DENIED

Unlimited Electrical

- | | | |
|---|--|--|
| <ol style="list-style-type: none">1. Warren, James L. - DENIED; per 61G6-5.003, F. A. C., lack of experience, no experience in electrical trade, no 3-phase experience. | <ol style="list-style-type: none">2. Strickland, David - DENIED; per Section 489.511(2)(a)3.d., lack of experience, must have a professional engineering license to practice electrical engineering. | <ol style="list-style-type: none">3. Sica, Vincent A. - DENIED; per 61G6-5.003, F. A. C., lack of experience, has not shown proof of employment with an electrical contractor. |
|---|--|--|

Alarm System Contractor I

Evans, Craig J. - DENIED; per Section 489.511(2)(a)3.d., F. S., professional engineering certificate is for a mechanical/water sprinkler engineer and per 61G6-5.003(4), F. A. C., credit report shows a past due amount of \$54,416.00.

Alarm System Contractor II

- | | | |
|--|---|---|
| 1. Del Corral, Mauricio - DENIED; per Section 489.511(2)(a)3.a., F. S., lack of experience, applicant's work experience was performed under Audio Video Gallery, Inc., an unlicensed contractor. | 489.511, F. S., and Rule 61G6-5.003, F. S., does not work in the alarm industry, would qualify for limited energy. | A. C., work for First Coast is not under a licensed contractor. |
| 2. Bearce, David C. - DENIED; per Section | 3. Salano, Gene S. - DENIED; per Section 489.511(2)(a)3.a., F. S., has not shown 3-years work experience, per Rule 61G6-5.001(11), F. | 4. Wedel, Timothy G. - DENIED; per Rule 61G6-5.003(3)(b), F. A. C., needs letters from some one besides Mr. Wedel regarding his experience. |

Lighting Maintenance Specialty Contractor

1. Alfano, Giuseppe J. - DENIED; per Section 489.511(2)(a)3.a., F. S., Sunbelt Utilities is not licensed to do electrical work, experience can't be confirmed, no 3-phase experience.

Limited Energy Systems Specialty Contractor

- | | |
|---|--|
| 1. Davis, John W. - DENIED; per Section 489.511, F. S., and Rule 61G6-5.003, F. A. C., didn't work for a licensed contractor. | 2. Brothers, Richard - DENIED; per Section 489.511(2)(a)3.e., F. S., and Rule 61G6-5.003, F. A. C., no proven experience with a licensed contractor. |
|---|--|

EXAMINATION APPLICATIONS APPROVED/APPROVED CONTINGENT

Unlimited Electrical Contractor

- | | |
|--|--|
| 1. Anderson, Claes G. | applicant providing employment verification by the employer, not the union per Rule 61G6-5.003(3)(b), F. A. C. |
| 2. Brown, William E. | |
| 3. Casey, Stanley A. | |
| 4. Dickerson, David | 13. Pleffner, Mark |
| 5. Garcia, Armando | 14. Reith, Lowell |
| 6. Hardesty, Timothy L. | 15. Robuck, Anthony P. |
| 7. Harding, Jeffrey | 16. Rohrman, David |
| 8. Hiatt, Kris | 17. Sanders, James W. |
| 9. Jacobson, Ryan R. - APPROVED CONTINGENT, pending applicant providing employment verification by the employer, not the union per Rule 61G6-5.003(3)(b), F. A. C. | 18. Servant Jr, Earl L. |
| 10. Jones, David A. | 19. Smith, Michael |
| 11. Kennedy, Michael | 20. Suppa Jr, Vincent |
| 12. Ludwig, Arthur R. - APPROVED CONTINGENT, pending | 21. Walsh, Gordon |
| | 22. White, Andrew N. |
| | 23. Williams, Albert |
| | 24. Williams, David E. |
| | 25. Williams, James K. |
| | 26. Wright, Joseph L. |

Alarm System Contractor I

- | | |
|--------------------|--------------------|
| 1. Bernabe, Dennis | 3. Santanna, Lauro |
| 2. Lewis, Daniel | 4. Tuele, Shawn |

Alarm System Contractor II

- | | |
|--------------------|------------------------|
| 1. Ali, Randy | 4. Hicks, Mark Stephen |
| 2. Burnham, Horace | 5. Moody, Cody |
| 3. Gerald, David | |

Residential Specialty Contractor

- | | |
|--------------------|--------------------------|
| 1. Allison, Robert | 3. Perleberg, William L. |
| 2. Loeper, Kenneth | |

Limited Energy Systems Specialty Contractor

- | | | |
|----------------------|---------------------------|---------------------|
| 1. Becker, Carl | 5. Ervin, Gary | 9. Thompson, Jay |
| 2. Borchert, Emil | 6. Hogan, Jeremiah | Richard |
| 3. Brothers, Richard | P. | 10. Wardell, Nathan |
| 4. Chance, Douglas | 7. Mock, George R. | 11. Young, Joshua |
| | 8. Nobles, James Randolph | |

Business Entity

- | | |
|------------------------|---------------------|
| 1. Robless, Douglas B. | 2. Raizen, David T. |
|------------------------|---------------------|

CONTINUING EDUCATION COMMITTEE – Arnaldo L. Abreu

Mr. Bellemare read into the record the list of CE Courses and FASA Courses Approved/Approved Contingent and the list of CE Courses and FASA Courses Continued/Tabled.

MOTION: Mr. Bellemare moved to approve contingent the application of Ft. Lauderdale High Community School, course for Continuing Education for State Electrical Contractors – pending receipt of additional information on course syllabus per Rule 61G6-9.008, F. A. C.

SECOND: Ms. DeBerry.

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

MOTION: Mr. Bellemare moved to accept the list of CE Courses and FASA Courses Approved/Approved Contingent.

SECOND: Mr. Langer.

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

CE APPLICATIONS APPROVED/APPROVED CONTINGENT - Classroom

- A. American Construction School
 - 1. Ethics for Contractors
 - 2. OSHA Standards for the Construction Industry
- B. Broward County Board of Rules & Appeals
 - 1. General Requirements NEC Articles 90-210 Part I
 - 2. General Requirements NEC Articles 215-230 Part II
 - 3. Business, Safety & Workers' Compensation
- C. Building Officials Association of Florida
 - 1. Electrical Code for Dummies: A Building Officials Guide to the NEC
- D. Cooper Bussman
 - 1. Overcurrent Protection and Safety Codes and Standards – APPROVED for all audiences.
- E. North Dakota State College of Science Outreach
 - 1. Applying the NEC to Commercial Building
- F. Omni Financial Services
 - 1. Your Enterprise – APPROVED for all audiences.

CE APPLICATIONS – Classroom: Renewals

- A. Leviton MFG
 - 1. Application and Installation of Voltage Surge Protection

CE APPLICATIONS – Internet/ Home- study Format

- A. David Ullian Larson
 - 1. Electrical Contractor Technology Update (Internet)
 - 2. Electrical Contractor Employee Handbook (Internet) – APPROVED for all audiences.
- B. Gray Systems, Inc.
 - 1. A Review of the 2002 Changes to the N.E.C. (Homestudy) – APPROVED CONTINGENT upon receiving an instructor resume, targeting course for all audiences and changing requested hours from 1 hour to 7 hours.

FIRE ALARM SYSTEM AGENT APPLICATIONS- Classroom

A. Contractors Exam School

1. Fire Alarm System Agent Qualifier Course – APPROVED for 12 hours technical and 2 hours false alarms.

ALARM SYSTEM AGENT APPLICATIONS- Classroom

A. Contractors Exam School

1. Burglar Alarm System Agent Qualifier Course - APPROVED for 12 hours technical and 2 hours false alarms.
2. Burglar Alarm System Agent Qualifier Course - APPROVED for 12 hours technical and 2 hours false alarms.

TABLED FROM LAST MEETING

A. Construction Estimating Institute

1. Financial Accuracy & Control (Classroom) – APPROVED for 12 hours business, 1 hour safety, 1 hour worker's compensation and targeted for all audiences.
Cost Control Scheduling (Classroom) – APPROVED for all audiences.

GENERAL SESSION

The board reviewed the ECLB General Information License Renewal Questionnaire and correspondence from Mr. Spence to McVorrn Burnett regarding Mr. Burnett's application for endorsement from the State of New Jersey and its review scheduled for future reconsideration by the board. Highlights included:

- ◆ Current license levels include 9,700 Current/Active licensees; 1,290 Current/Inactive licensees; 437 Delinquent/Active licensees; 154 Delinquent/Inactive licensees.
- ◆ All licenses will expire on August 31, 2004.
- ◆ Renewal fees for active renewing active before the expiration date are \$255.00 for certified licensees/\$105.00 for registered licensees. A \$50.00 delinquent fee will be applied after the expiration date.
- ◆ Renewal fees for active renewing inactive before the expiration date are \$55.00 for certified licensees and registered licensees. A \$50.00 delinquent fee and \$25.00 change of status fee will be applied after the expiration date.
- ◆ Renewal fees for inactive renewing inactive before the expiration date are \$55.00 for certified licensees and registered licensees. A \$50.00 delinquent fee will be applied after the expiration date.
- ◆ Renewal fees for inactive renewing active before the expiration date are \$305.00 for certified licensees/\$155.00 for registered licensees. A \$50.00 delinquent fee will be applied after the expiration date.
- ◆ Renewal fees for delinquent active renewing active before the expiration date are \$310.00 for certified licensees/\$160.00 for registered licensees. After the expiration date the licenses will become Null and Void.

- ◆ Renewal fees for delinquent active renewing inactive before the expiration date are \$110.00 for certified licensees and registered licensees. After the expiration date the licenses will become Null and Void.
- ◆ Renewal fees for delinquent inactive renewing inactive before the expiration date are \$110.00 for certified licensees and registered licensees. After the expiration date the licenses will become Null and Void.
- ◆ Renewal fees for delinquent inactive renewing active before the expiration date are \$360.00 for certified licensees/\$210.00 for registered licensees. After the expiration date the licenses will become Null and Void.
- ◆ Licensees who do not receive a renewal notice will be instructed to renew online at www.myfloridalicense.com ; renew over the phone with the Customer Contact Center (CCC) at 850.487.1395; or to send a copy of their current license or a letter with their license number, correct address and correct fee to the department.

OLD BUSINESS

No discussion.

NEW BUSINESS

The board reviewed correspondence from Ken Grinsteiner, ASI Alarm Services, Inc., regarding Emergency Registration pursuant to ss. 489.523, F. S.; and Correspondence from Tram Pickett, Berlin Sign Company, regarding Issuance of Electrical Sign Permits to Locally Licensed Non-Illuminated Sign Contractors.

In fax correspondence dated April 14, 2004, Mr. Grinsteiner wrote in part:

"...We are licensed as an 'Alarm System Contractor I'. Our license number is EF-0001021. Our Qualifier, Ken Sievers passed away on March 3, 2004. Only 2 days ago were we able to acquire a death certificate from his widow...Our new qualifier will be William Buckles and he has paid the fee and applied to take the test which will be given on July 7. Could you please re-issue our license with our new Qualifier and send it to the address above..."

After consideration of the request the Board took the following action.

MOTION: Mr. Sandefer moved to invoke §489.523, F.S., granting an Emergency Registration to Ken Grinsteiner, ASI Alarm Services, Inc., and directing staff to send a letter admonishing Mr. Grinsteiner and ASI Alarm Services, Inc., for not notifying the board within thirty (30)-days as required.

SECOND: Mr. Bellemare.

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

In a fax dated April 23, 2004, Tram Pickett wrote in part:

"...Per our phone conversation on 4/23/04, I would like to request a letter from your office to clearly and in very simple language notify out local permitting agencies that, '[I]n no case is it permissible to allow a person with a locally issued "Non-illuminated Sign Contractors License" to contract for, or be issued a permit for an illuminated electrical sign. It is also not allowed that the above type of license sub-contract the electrical portion of the activity to a licensed electrical contractor, unless the license holder is also a

licensed General Contractor.' The key words are 'issuing permits to' and 'engage in electrical contracting.' Your letter will be of great help in stopping this type of unlicensed activity."

Mr. Spence reported that he had provided Mr. Pickett a copy of the memorandum from Anthony B. Spivey, Executive Director, BCAIB, to all Florida Building Code Administrators, dated August 16, 2002 regarding the issuance of permits for electrical signs. Mr. Spence also reported that he advised Mr. Pickett to submit a properly executed Petition for Declaratory Statement pursuant to s. 120.565, F. S., if he were seeking a legally binding opinion from the board.

The board also discussed the issuance of permits to unlicensed persons and entities for the delivery and performance of low-voltage work. Ms. Scott-Hill will draft an informational memorandum for distribution to ECLB licensees, the BCAIB, local licensing and tax collection agents and permitting authorities.

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

The majority of Ms. Clark's report was covered during the Legislative and Rules Workshop. Ms. Clark also presented correspondence to and from John O. McKirchy, senior Assistant Attorney, City of Boca Raton, regarding Sec. 7-38, City of Boca Raton Code of Ordinances, Automatic Fire-Extinguishing & Detection Systems.

EXECUTIVE DIRECTOR'S REPORT – John T. Knap

- ◆ Mr. Knap reminded the board to submit their travel vouchers as soon as possible after the meeting.
- ◆ Mr. Knap presented updated statistics of the recent insurance audit and reported the ECLB Newsletter, Winter 2004 Volume had been published and was in circulation. To date, of 1,586-licenses audited, 163-violations were found, 121-cases have been opened, 29-citations were issued, and 12-case was sent to legal.
- ◆ Mr. Knap reported that the CE credit reporting functions of the www.myfloridalicense.com Portal had been repaired.
- ◆ Mr. Knap presented the FY 2003-2004 3rd Quarter Financial Reports.

CHAIRPERSON'S REPORT - Clarence Tibbs

Mr. Tibbs wished everyone a safe return trip. Mr. Mugford acknowledge and commended the work done by board staff and extended thanks on behalf of the Board.

Motion was made by Ms. Small to adjourn. Motion passed unanimously.