

**MINUTES FROM THE
OCTOBER 5-6, 2004
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING**

**The Department of Business & Professional Regulation
1940 N. Monroe Street
Northwood Center Board Conference Room
Tallahassee, FL 32399-0771
Tel: 850.487.8304**

The Board Meeting was called to order by Chairman Jeffrey M. Kiner at 9:00 a.m.

PLEDGE OF ALLEGIANCE AND INVOCATION – Kimberly A. DeBerry and Paul Sandefer

ROLL CALL- Members Present

Pierre A. Bellemare
Kimberly A. DeBerry
Jeffrey M. Kiner, Chairman
Roger E. Langer
Norman R. Mugford, Vice-Chairman
Donald C. Penner
Lewis P. Roberts
Paul W. Sandefer
Rae Small
Clarence K. Tibbs

ROLL CALL- Member Absent

Arnaldo L. Abreu

OTHERS PRESENT

John T. Knap, Executive Director
Gregory Spence, Government Analyst I
Diane Guillemette, Esq., Assistant Attorney General
Drew F. Winters, Esq., Assistant General Counsel
Court Reporter

DISCIPLINARY CASES – Drew F. Winters, Assistant General Counsel

Eric R. Copenhagen
c/o Glenn B. Kritzer, Esq.
799 Brickell Plaza, Suite 700
Miami, FL 33131
Case No.: 2001-05958
License Number: EC 0001394
Recused: Kiner, Mugford, Small

On April 14, 2003, the Department filed an Administrative Complaint in Case No.: 2001-058958 charging the respondent with violations of s. 489.533(1)(j), F. S., by 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; s.489.533(1)(k), F. S., by knowingly combining or conspiring with another person by allowing his certificate to be used by an uncertified person with the intent to evade the provisions of Chapter 489, Part II, Florida Statutes. On August 13, 2004, the Department entered a Settlement Stipulation with respondent imposing as penalty a \$2,500.00 Administrative Fine; \$103.56 Administrative Costs; the fine and costs payable to the Department within thirty (30)-days of the entry of a Final Order accepting this Settlement Stipulation.

The Respondent was not present, nor represented by counsel. After review of the complete record the board took the following action:

MOTION: Mr. Tibbs moved to approve the Settlement Stipulation.

SECOND: Mr. Sandefer.

The board voted on the motion. The motion passed by a vote of 4-in favor and 3-opposed.

Stephen M. Cunningham
1511 Golfview Drive East
Pembroke Pines, FL 33026
Case No.: 2003-083802
License Number: EF 0000931
Recused: Kiner, Mugford, Small

By fax correspondence dated September 29, 2004, Respondent requested a continuance in this case due to the aftermath of recent hurricanes. After consideration of the request, the Board took the following action:

MOTION: Mr. Sandefer moved to continue the case until the November 2004, meeting of the board.

SECOND: Mr. Tibbs.

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

Ronald D. Getz
7720 Lakeside Woods Drive
Orlando, FL 32810
Case No.: 2003-086252

License Number: EF 0000560; EF A000560; EF B000560
Recused: Kiner, Mugford, Small

At the request of Assistant General Counsel Winters, this case was withdrawn from the meeting agenda.

Gary S. Lawrence
1015 W. Tennessee Trace
Jacksonville, FL 32259
Case No.: 2003-065771
License Number: EC 0002154
Recused: Kiner, Mugford, Small

On June 11, 2004, the Department filed an Administrative Complaint in Case No.: 2002-015393 charging the respondent with a violation of s. 489.533(1)(j), F. S., by 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. Respondent timely filed an Election of Rights Form on July 8, 2004 requesting a hearing pursuant to s. 120.57(2), F. S.

Respondent was not present or represented by counsel. Mr. Winters introduced the matter for the record. After review of the complete record and prior disciplinary actions against the respondent, the board took the following action:

MOTION: Mr. Bellemare moved to impose a \$2,500.00 administrative fine, \$357.66 administrative costs; 1-year probation with submission of quarterly reports and payment of all fines and costs within thirty (30)-days of the entry of a Final Order or Respondent's license will be suspended.

SECOND: Mr. Langer.

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

Donald Lee McConnell
c/o Daniel H. Thompson, Esq.
Berger Singerman
215 South Monroe Street, Suite 705
Tallahassee, FL 32301
Case No.: 2002-001636
License Number: EF 0000950
Recused: Kiner, Mugford, Small

On September 30, 2003, the Department filed an Administrative Complaint in Case No.: 2002-001636, charging the respondent with a violation of s. 489.533(1)(r), F. S., by proceeding on any job without obtaining applicable local building department permits and inspections.

Mr. McConnell failed to timely file an Election of Rights Form. Subsequently, the Department entered a Motion for Default and Final Order on February 13, 2004. A Motion for Waiver of Rights and Final Order was entered by the Department on April 12, 2004.

At a duly noticed public meeting of the board, held in St. Augustine, FL on May 28, 2004, 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.

The board voted 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 filed June 30, 2004, and suspension of Mr. McConnell's license, effective immediately upon entry of the Final Order until all fines and costs were paid and Mr. McConnell appeared by the board and once the suspension was lifted Mr. McConnell's license would 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. 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

On July 7, 2004, Respondent filed through counsel a Notice of Appearance naming Daniel H. Thompson, Esq., Florida Bar No.: 195101, Berger Singerman, as Respondent's counsel. On July 8, 2004, Respondent through counsel, filed a Notice of Appeal in the District Court of Appeal, First District, State of Florida and a Motion for Expedited Order Granting Stay Pending Appeal. Respondent's Motions were granted on July 16, 2004 by the District Court of Appeal, First District, State of Florida. On August 4, 2004, Respondent, through counsel, filed in the District Court of Appeal, First District, State of Florida, a Motion to Relinquish Jurisdiction in Case No.: 1D04-3003, LT Case No.: 2002-001636. The Motion was granted on August 6, 2004. On August 11, 2004, Respondent, through counsel, filed a Motion to Vacate Final Order and to Enter New Final Order in Case No.: 2002-001636 with the Department.

Mr. McConnell was present and represented by counsel. Also present was Sherry McInnes, ADT Security Services. Respondent and Ms. McInnes were sworn in by the court reporter. Mr. Winters introduced the matter for the record. Messrs. Thompson and McConnell entered statements to discuss mitigation and offered testimony along with Ms. McInnes on Mr. McConnell's behalf. Mr. Winters stated that the Motion for Waiver of Rights and Final Order, number BPR-2004-02677, entered in this case, was improperly served. Mr. Winters presented a Settlement Stipulation imposing as penalty a \$3,000.00 administrative fine; payment of costs in the amount of \$341.93; 1-year probation with quarterly reports, and payment of all fines and costs within thirty (30)-days of the filing of a Final Order adopting the Stipulation. Respondent's counsel argued that the reporting terms of the probation may not be legal in that the most of the information required was not public record, or that it could be used for competitive commercial purposes. After consideration of the complete record, the board took the following action:

MOTION: Mr. Bellemare moved to Vacate Final Order number BPR-2004-02677.

SECOND: Mr. Langer.

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

MOTION: Mr. Bellemare moved to reject Mr. Winter's Settlement Stipulation and impose as penalty a \$7,500.00 administrative fine and \$341.93 administrative costs, the fine and costs payable to the Department within thirty (30)-days of the entry of a Final Order, and one (1)-year probation with the filing of quarterly reports provided the reporting was legal.

SECOND: Mr. Roberts.

The board voted on the motion. The motion passed by a vote of 6-in favor and 1-opposed. At the request of Respondent's counsel, the board revisited this case later in the meeting. After conferring with counsel, Respondent agreed to accept the terms of the board's counter-stipulation offer. After consideration of this new information the board took the following action:

MOTION: Mr. Tibbs moved to acknowledge Respondent's acceptance of the counter-stipulation and to accept the counter-stipulation imposing a \$7,500.00 administrative fine, payment of administrative costs in the amount of \$341.93, the fine and costs payable to the Department within thirty (30)-days of the entry of a Final Order, and one (1)-year probation with the filing of quarterly reports.

SECOND: Mr. Roberts.

The board voted on the motion. The motion passed by a vote of 6-in favor and 1-opposed.

Raymond McFarlane
3355 Claire Lane
Jacksonville, FL 32223
Case No.: 2004-001641
License Number: ER 0013758
Recused: Kiner, Mugford, Small

On June 11, 2004, the Department filed an Administrative Complaint in Case No.: 2004-001641 charging the respondent with a violation of s. 489.533(1)(j), F. S., by 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. Respondent timely filed an Election of Rights Form requesting a hearing pursuant to s. 120.57(2), F. S.

Respondent was present but not represented by counsel. Mr. Winters introduced the matter for the record. After review of the complete record and prior disciplinary actions against the respondent, the board took the following action:

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

SECOND: Mr. Tibbs.

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

MOTION: Mr. Langer moved to impose a \$1,000.00 administrative fine; \$480.65 administrative costs; 6-month probation with submission of a probationary report at the end of the probationary term and payment of all fines and costs within thirty (30)-days of the entry of a Final Order or Respondent's license will be suspended.

SECOND: Ms. DeBerry.

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

APPLICATION COMMITTEE – Jeffrey M. Kiner, Chairman

Second Business Applications

Present during this portion of the meeting were: John Annis, Black & Veatch Construction, Inc.; William J. Bennett, Quality Electric; Christopher Brown, Integrated Excellence, Inc. d/b/a: Integrated Excellence; Reynaldo Corsa, Tytor, LLC; Aristides De Los Reyes Gavilan, Nextiraone, LLC; Steven Denslow, Electrical Systems and Designs, Inc.; Daryl W. Flippin, Dillard Smith Construction Company; Jose Frieder, ProTechnical Support Corporation; David Hughes, Florida Certified Sign Erectors, LLC; Robert H. Klink, Daniel Electrical Contractors, Inc.; Richard Perry, National Security Source, LLC; John M. Russell and Robert M. Frank, Boca Theater and Automation, Inc.; Norman C. Scholer, Command Security Integration, LLC; Donnie G. Stroud, Smart City Telecommunications, LLC d/b/a: Smart City Telecom; James F. Thomas, LL Marketing Concepts, Inc. d/b/a: Safeway Protection; David C. Torgerson, Qualified Systems Contracting, Inc.; and Terry Wallace, Wallace Engineering, Inc.

The application of Thomas Attaway, Attaway Electric of Central Florida, Inc., was withdrawn at the applicant's request. The applications of Howard Paul Babbitt, Advanced Design Technologies, Inc.; Clinton Bills, BCI Technologies, Inc.; and William W. Chaney, Dolphin Electric, Inc., were continued to the November 2004 meeting of the board.

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. Mr. Kiner asked specifically of the each license holder:

- ◆ *“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. After review of each individual application Mr. Kiner advised each licensee that the Committee's recommendation at this time was only a recommendation and would be subject to approval by the entire board on the following day.

RECONSIDERATIONS – Diane Guillemette, Esq., Assistant Attorney General

Giuseppe J. Alfano

Application Denial – Lighting Maintenance Specialty Electrical Contractor Examination

This matter first came before the board at a duly noticed public meeting on May 28, 2004, in St. Augustine, FL. The board denied the application on the grounds that the application failed to show that Mr. Alfano had the required work experience, pursuant to s. 489.511(2)(a) 3, F. S.

Upon receipt of the Notice of Intent to Deny, Mr. Alfano through counsel Timothy P. Atkinson, Florida Bar No.: 982260, Oertel, Fernandez, Cole & Bryant, P. A., filed a Petition for Formal Administrative Hearing, on July 19, 2004. Mr. Alfano through counsel subsequently agreed to hold the hearing pursuant to s. 120.57(1), F. S., in abeyance pending reconsideration by the board.

Mr. Alfano was present, and represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Alfano's application, experience and additional application for examination as a utility line specialty electrical contractor. During discussion Mr. Atkinson pointed out to the board that Mr. Alfano's experience was gained through ownership of and employment with Sunbelt Utilities, Inc., an entity regulated by the Florida Public Service Commission (PSC), and thereby exempt from licensure under Chapter 489, Part II, F. S. After discussion:

MOTION: Mr. Sandefer moved to reconsider the applications.

SECOND: Mr. Tibbs.

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

MOTION: Mr. Sandefer moved to reverse the denial of Mr. Alfano's application for examination as a lighting maintenance specialty electrical contractor.

SECOND: Mr. Tibbs.

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

MOTION: Mr. Tibbs moved to reverse the denial of Mr. Alfano's application for examination as a utility line specialty electrical contractor.

SECOND: Mr. Sandefer.

The board voted on the motion. The motion passed unanimously. Mr. Alfano stated that he would like to sit for the utility line specialty contractor examination on November 8, 2004, followed by the lighting maintenance specialty electrical contractor examination on March 9, 2005.

Hewlett Waldron

Application Denial – Certified Unlimited Electrical Contractor Examination

At Ms. Clark's recommendation this case was continued until the November 2004, meeting of the board.

Calvin York

Application Denial – Certification of a Registered License

This matter first came before the board at a duly noticed public meeting on May 28, 2004, in St. Augustine, FL. The board denied the application on the grounds that the application failed to show that Mr. York's work experience failed to meet the eligibility requirements established by s. 489.514(2)(c), F. S., that requires five (5)-years of experience achieved while holding an active license.

Upon receipt of the Notice of Intent to Deny, Mr. York submitted an Election of Rights Form, requesting to supplement his application. The Notice of Intent to Deny was filed with the Department on June 16, 2004, and serviced to Mr. York by return receipt certified mail on June 16, 2004.

Mr. York was present, but not represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. York's application, experience and licensure as a building code inspector pursuant to Chapter 468, Part XII, F. S. As supplemental documentation Mr. York provided copies of his licensure as a Standard Inspector, license number BN 0003823, and Certification as a Uniform Building Code Inspector, from the Florida Department of Education, Office of Educational Facilities. After discussion:

MOTION: Mr. Sandefer moved to reconsider the application.

SECOND: Mr. Tibbs.

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

Richard C. Varona
Application Denial – Certified Electrical Contractor by Endorsement

This matter first came before the board at a duly noticed public meeting on July 21, 2004, in Boca Raton, FL. The Application Committee initially approved the application. Mr. Spence recommended the board reconsider approval of the application on the grounds that the application was approved in error in that the application failed to demonstrate compliance with the requirements of s. 489.511(6), F. S., because the applicant's electrical contractor's license from the State of North Carolina was issued based on a reciprocal agreement with the State of Virginia and not issued based on successful completion of an appropriate equivalent examination administered and proctored by the State of North Carolina.

Mr. Varona was not present, nor represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Varona's application, experience and licensure in the State of North Carolina. After discussion:

MOTION: Mr. Tibbs moved to rescind the previous approval and to deny the application on the grounds that the application failed to demonstrate compliance with the requirements of s. 489.511(6), F. S.

SECOND: Mr. Sandefer.

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

PETITION FOR DECLARATORY STATEMENT – Diane Guillemette, Esq., Assistant Attorney General

Rhonda Montoya Hasan, Esq., Senior Assistant City Attorney, City of Miami Beach, FL

Petition for Declaratory Statement of the Electrical Contractors' Licensing Board Requesting Clarification of ss. 489.521(2)(a)1; 489.505(14) and (15); 489.522, F. S. (*Revisited*)

This matter first came before the board at a duly noticed public meeting in Boca Raton, FL. In a petition filed with the department on June 1, 2004, and amended on June 16, 2004, Ms. Montoya Hasan wrote in part:

"...[C]an the City of Miami Beach designate a primary trade qualifier for different departments, i.e., Public Works, Property Management, based upon the idea that a City department would fall under the definition of 'legal entity under Fla. Stat. Sec. 489.521(2)(a)1? Using the definition of the applicant as noted in this specific section, can it be properly concluded an individual department in the City is a separate legal entity? The City has divisions which perform completely separate work. For example, there would be electric work and electrical permits pulled on City buildings, structures and anything outside of the right of way, handled by the Property Management Department. Then, the Public Works Department handles electric work and electrical permits for utility work, performed in the right of way. Secondly, if the answer to that question is in the affirmative, would each 'primary' trade qualifier have sole responsibility for their own work in the designated department, or organization, or would each of the City's primary/initial trade qualifier(s) be deemed legally responsible for all such trade work done by the City as a whole under Fla. Stat. Sec. 489.505(14), (15) and 489.522? Lastly, if an individual City department would not be considered a separate legal entity, may the City still properly designate a primary trade qualifier for different departments?... While it is clear that under Fla. Stat. Sec. 489.503(2) that a municipality is exempt from this part as long as the repairs, etc., do not exceed \$200,000.00. Could the last sentence of this section of this section be construed to mean that a municipality may divide the project into separate components as the City is not a school board, Board of Regents or community college and thus be exempt from this part?..."

Ms. Montoya Hasan was present along with Philip Rabbeah Azan, Building Official, City of Miami Beach, FL. The board entered into discussion regarding the City's petition. Highlights of discussion included:

- ◆ The petition was predicated by a labor issue at the City of Miami Beach.
- ◆ The labor divisions involved include two (2)-departments with different responsibilities and different chains-of-command.
- ◆ The board determined that two (2)-departments of the City could be construed as separate entities and not share legal responsibilities.
- ◆ The board determined that the City of Miami Beach is not a legal entity pursuant to s. 489.521(2)(a) 1., F. S., because it is exempt from licensure pursuant to Chapter 489, Part II, F. S., however, the City of Miami Beach may seek licensure pursuant to Chapter 489, Part II, F. S., if it so chooses.
- ◆ The board determined that the practice act has no prohibitions against the City of Miami Beach designating any primary qualifiers for its subdivisions.

After consideration of the complete record the board took the following action:

MOTION: Ms. Small moved to approve a Declaratory Statement stating that the City of Miami Beach is not a legal entity under s. 489.521(2)(a) 1., F. S. The City is exempt from licensure pursuant to Chapter 489, Part II, F. S., in accordance with s. 489.503(2), F. S. The practice act has no prohibition against the City designating divisions as separate legal entities in designating a primary qualifier for each entity.

SECOND: Mr. Tibbs.

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

**PETITION FOR EMERGENCY WAIVER OR VARIANCE – Diane Guillemette, Esq.,
Assistant Attorney General**

Roy Van Wyk, Hopping Green & Sams, P. A., on behalf of NextiraOne, LLC VW-2004-102

By motion filed with the Department on October 4, 2004, this petition was withdrawn by the petitioner.

**PROSECUTING ATTORNEY'S REPORT – Drew F. Winters, Esq., Assistant General
Counsel**

Mr. Winters directed the Board's attention to the report prepared by Charles Tunnicliff, General Counsel and handed out prior to the meeting. Details of the report included the following as of September 29, 2004:

- ◆ 105-cases assigned to Office of the General Counsel (OGC) after investigation.
- ◆ 35-cases set for Probable Cause.
- ◆ 2-cases where an Administrative Complaint has been filed.
- ◆ 0-cases where Probable Cause has been found.
- ◆ 7-cases awaiting outside action.
- ◆ 7-cases where Formal Hearing has been requested.
- ◆ 0-cases sent to consultant/expert.
- ◆ 7-cases set for board presentation.
- ◆ 1-case referred to DOAH.
- ◆ 0-cases for settlement negotiations.
- ◆ 0-cases ready for default.
- ◆ 1-case for Stipulation or Request for Informal Hearing.
- ◆ 0-cases requiring supplemental investigation.
- ◆ Total 18-year old cases.

**UNLICENSED ACTIVITY REPORT – Drew F. Winters, Esq., Assistant General
Counsel**

Mr. Winters directed the Board's attention to the Unlicensed Activity Report prepared by Laura Gaffney, Chief Attorney, Unlicensed Activities Section, OGC. Details of the report included the following:

- ◆ 51-cases in the OGC.
- ◆ 7-cases awaiting further investigation/expert report.
- ◆ 0-cases set for Probable Cause.
- ◆ 13-cases where an Administrative Complaint has been filed.
- ◆ 2-cases requesting an Informal Hearing.
- ◆ 3-case where Formal Hearings have been requested.
- ◆ 7-cases for Default/failed to respond to AC.
- ◆ 0-cases on appeal.
- ◆ 19-cases hearing held; awaiting Final Order.

After reviewing the reports presented by Mr. Winters, some board members expressed concern that the fines and penalties being imposed in some disciplinary cases were too lenient. The

board also requested that Mark Reddinger, Unlicensed Activity Program Administrator be invited to make a presentation at the November 2004 meeting.

LEGISLATIVE COMMITTEE REPORT – Norman R. Mugford, Vice-Chairman

No report.

RULES COMMITTEE REPORT – Kimberly A. DeBerry

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

September 2004 Rules Report

Rule	Title	Published	Approved	Noticed	Adopted	Effective
61G6-5.002	Application for Cert. By Exam; Reexamination	8/13/04				
61G6-5.008(4)	Public Liability and Workers' Compensation Insurance	8/13/04				
61G6-6.001(4)	Certification Exam Requirements	8/13/04				
61G6-6.005	Reexamination	8/13/04				
61G6-8.001	Fees	7/16/04				
61G6-9.002	Criteria for Continuing Education for Reactivation of License	8/13/04				
61G6-9.004(6)	Continuing Education Requirements for Renewal of Certificateholders and Registrants	5/14/04 Renoticed for Rule Development 9/3/04	5/28/04	6/25/04	7/26/04 JAPC ltr. 8/13/04	8/15/04
61G6-11.001	Citations	8/13/04				
61G6-12.0015	Requirements for Burglar Alarm System Agents ID Card	7/2/04	7/22/04	8/13/04		
61G6-12.0016	Continuing Education Requirements for Burglar Alarm System Agents	7/2/04	7/22/04	8/13/04		

The full text of the proposed rules is as follows:

61G6-5.002 Application for Certification by Examination; Reexamination.
(REVISED AUGUST 30, 2004)

(1) An applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data (including information required to be submitted under Rules 61G6-5.004 and 61G6-5.003, F.A.C., if applicable) to the Department of Business and Professional Regulation. The application shall be accompanied by the application fee. All initial applications for examination must be completed and filed with the Department at least ninety (90) days prior to the date of the Technical/Safety examination that is administered by the Department. All applications not completed by the deadline will be automatically scheduled for the next examination. Correspondence, requests, information or other documents pertinent to the application must be postmarked twenty-one (21) days or received fourteen (14) days prior to any scheduled meeting of the Board. Items received after the fourteen (14) day period may not be considered until the next meeting of the Board. Any application that is not complete within one year from date of initial filing will be closed.

(2) All retake exam reexamination applications, and any other required forms and documents must be completed and filed with the Department at least forty-five (45) days prior to the date of the Technical/Safety examination for which the individual is applying.

(3) The applicant has one year from the date that the application was approved by the Board to complete both parts of a two-part examination: Technical/Safety and Business Computer-Based. The initial Business Computer-Based Test portion may be taken from the professional testing service at any time after the applicant has been approved to sit for the initial paper and pencil Technical/Safety examination. For re-examination on the Business Computer-Based Test, Technical/Safety examination, a retake exam application must also be completed submitted to the Department. For re-examination on the Computer Based Test, a retake exam application is not required to be submitted to the Department. There shall be a 21-day waiting period between retakes of the Business Computer-Based Test.

AUTHORITY: Specific Authority 489.507(3) FS.

Law Implemented 489.511 FS.

HISTORY: New 1-2-80, Amended 10-30-80, Formerly 21GG-5.02, Amended 10-30-88, 11-3-92, Formerly 21GG-5.002, Amended 4-5-95, 5-13-03.

MOTION: Ms. DeBerry moved to approved the proposed amendment to Rule 61G6-5.002, F. A. C.

SECOND: Mr. Bellemare.

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

61G6-5.008 Public Liability and Workers' Compensation Insurance.

(1) through (3) no change.

(4) By applying for renewal, each certificateholder or registrant certifies that he or she has continually maintained the required amounts of public liability and property damage. To verify each

certificateholder or registrant has continually maintained the required amounts of public liability and property damage, as well as workers' compensation coverage or appropriate exemption pursuant to Chapter 440, F.S., the Board will conduct random sample audits of at least 10% of the total number of certificates and registrants. Upon written request by the Board, ~~by certified mail~~, each selected licensee must within thirty days submit proof of coverage, in the form of an original Certificate of Insurance, showing the licensee has obtained and continually maintained the proper amount of public liability and property damage insurance, as well as workers' compensation coverage or appropriate exemption pursuant to Chapter 440, F.S., within the specified time period set forth in the Board's request.

(5) Failure to comply with the Board's request to submit proof of coverage, which meets the requirements of the Board, will be a violation of this rule.

Specific Authority 489.507(2), 489.510, 489.511(4), 489.515 FS. Law Implemented 489.507(2), 489.510, 489.511(4), 489.515, 489.517(5), 489.537 FS. History—New 1-2-80, Formerly 21GG-5.08, Amended 5-20-92, Formerly 21GG-5.008, Amended 9-22-97, 3-29-99, 3-19-02.

MOTION: Mr. Bellemare moved to approve the proposed amendment to Rule 61G6-5.008, F. A. C.

SECOND: Mr. Sandefer.

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

61G6-6.001 Certification Examination Requirements.

(1) through (3) no change.

(4) An applicant shall be required to achieve a score of a general average of not less than seventy-five percent (75%) on each of the two parts in order to pass the examination and be certified for licensure. When a cut off score contains a fraction of a percentage point of one-half (.5) or higher that score will be raised to the next highest whole number. When a cut off score contains a fraction of a percentage point of less than one-half (.5) that score will be lowered to the next lowest whole number. There shall not be a practical or clinical examination.

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, 4-26-04.

MOTION: Mr. Sandefer moved to approve the proposed amendment to Rule 61G6-6.001, F. A. C.

SECOND: Mr. Mugford.

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

61G6-6.005 Reexamination.

(REVISED AUGUST 31, 2004)

(1) An applicant who fails the Technical/Safety certification examination or who does not appear at the examination shall be entitled to take the next examination upon payment of the reexamination fee and compliance with subsection two of this rule, if applicable. The Business Computer-Based Test may be taken up to three (3) times within the year starting with the date the candidate was initially approved to sit for the Technical/Safety examination for this application period. The Technical/Safety examination portion may be taken up to three (3) times within the year starting with the date the candidate was initially approved to sit for the examination for this application period. A retake exam application must be completed submitted to the Department for each attempt of the Technical/Safety portion of examination. However, a retake examination application shall not be required to be submitted for each retake of the Computer Based Test and there shall be a 21-day waiting period between retakes of the Business Computer-Based Test.

(2) Prior to reexamination, an applicant who has taken and failed the certification examination portions 3 or more times, must complete a minimum of 7 hours of remedial training continuing/education courses in area(s), technical, general business or safety, where a passing grade of 75% was not achieved on the last exam portions. Only courses taken in an area(s) in which a passing grade was not received will be counted toward meeting this requirement. If more than one area was not passed, the applicant must take 7 hours of courses in each area where a passing grade was not achieved. Courses taken pursuant to this provision may not be used to satisfy any other educational requirement.

AUTHORITY: Specific Authority 455.217(2), 489.507(3) FS.

Law Implemented 455.217(2), 489.511(3) FS.

HISTORY: New 4-17-80, Formerly 21GG-6.05, Amended 7-3-91, Formerly 21GG-6.005, Amended 12-24-97, 9-21-00.

MOTION: Ms. Small moved to approve the proposed amendment to Rule 61G6-6.005, F. A. C.

SECOND: Mr. Sandefer.

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

61G6-8.001 Fees.

The following fees are prescribed by the Board:

(1) The application fee for the certification examination for electrical or alarm systems contractor shall be one hundred and fifty dollars (\$150.00). The initial examination fee for the Technical/Safety examination for electrical or alarm systems contractor shall be one hundred twenty-seven dollars and fifty cents (\$127.50) one hundred and fifty dollars (\$ 150.00) payable to the Department. The initial examination fee for the Business Computer-Based Test shall be twenty-two dollars and fifty cents (\$22.50) payable to the professional testing service. When the computer-based testing (CBT) business

portion of the examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department.

(2) The initial application fee for licensure by endorsement as a certified unlimited electrical contractor shall be one hundred fifty dollars (\$150.00).

(3) The fee for issuance, renewal or reinstatement of certification for electrical contractor or alarm systems contractor shall be two hundred fifty dollars (\$250.00).

(4) The re-examination fee for the Technical/Safety certification examination shall be one hundred twenty-seven dollars and fifty cents (\$127.50) payable to the Department. The re-examination fee for the Business Computer-Based Test shall be twenty-two dollars and fifty cents (\$22.50 payable to the professional testing service. When the computer-based testing (CBT) business portion of the examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department. ~~one hundred fifty dollars (\$150.00).~~

(5) The initial fee for registration shall be one hundred dollars (\$100.00).

(6)(a) The fee to be paid for placement of a license in an inactive status shall be fifty dollars (\$50.00).

(b) The fee to be paid for the renewal of license voluntarily placed on inactive status shall be fifty dollars (\$50.00).

(7) The fee for renewal of registration shall be one hundred dollars (\$100.00).

(8) Delinquent Fee. If licensee becomes delinquent, an applicant must elect for active or inactive status, and a \$ 50.00 delinquent fee will be charged.

(9) The fee to be paid for the reactivation of a certified or registered license from inactive to active status shall be fifty dollars (\$50.00).

(10) Transfer fee. The fee to transfer a certificate or registration from one business organization to another shall be one hundred fifty dollars (\$150.00) for a certified contractor and fifty dollars (\$50.00) for a registered contractor.

(11) The fee for the review of an examination pursuant to the provisions of Chapter 455 and 489, Florida Statutes, shall be seventy five dollars (\$75.00). The fee to the professional testing service for review of the Business Computer-Based Test (at the site where the original exam was taken) shall be thirty-five dollars (\$35.00).

(12) The fee for a duplicate copy of a previously issued license shall be twenty-five dollars (\$25.00).

(13) The initial application fee for licensure by 2nd entity as certified unlimited electrical contractor or alarm system contractor shall be two hundred fifty dollars (\$250.00).

(14) Pursuant to 455.2281, F.S., in addition to all other fees collected from each licensee, there shall be a \$ 5.00 fee collected at the request of the Department, both upon initial licensure and license renewal for the purpose of combatting unlicensed activity.

(15) The fee to process a change of licensure status at any time other than the beginning of the licensure cycle shall be twenty-five dollars (\$25.00).

AUTHORITY: Specific Authority 455.217(2), 455.219(1), 489.507(3), 489.509 FS.

Law Implemented 119.07(1)(a), (b), 455.217(2), 455.219(1), 455.2281, 455.271(8), 489.509, 489.511(2) FS.

HISTORY: New 1-2-80, Amended 10-27-80, 5-13-81, 5-3-82, 8-4-82, 5-2-83, 1-19-84, Formerly 21GG-8.01, Amended 7-9-86, 12-24-87, 10-30-88, 2-20-89, 8-26-90, 4-1-91, 7-3-91, Formerly 21GG-8.001, Amended 3-14-94, 11-30-94, 4-5-95, 7-13-95, 12-25-96, 6-1-97, 3-10-98, 12-31-98, 10-4-99.

MOTION: Mr. Bellemare move to approve the proposed amendment to Rule 61G6-8.001, F. A. C.

SECOND: Mr. Tibbs.

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

The following Rules will be considered at the November 2004, meeting of the board.

61G6-9.002 Criteria for Continuing Education for Reactivation of License.

The following programs of continuing education may be used to satisfy the continuing education requirement provided that the licensee complies with the terms set forth herein:

(1) Courses for credit which are business, technical or safety courses, including alternative non-classroom courses relevant to the electrical contracting industry and which require a passing grade taken at an accredited college, university, or community college. The licensee must furnish an official transcript and a notarized statement affirming classroom hours attended and the receipt of a passing grade.

(2) Noncredited courses conducted by an accredited institution of higher learning, official governmental agency, the military, recognized national or state trade or civil organization, or Board approved alternative, non-classroom courses, provided the following conditions are met:

(a) The course must be business, technical or safety course relevant to the electrical contracting industry. For purpose of this rule the following lists are provided as guides for provider applicants in properly categorizing individual courses. Courses in the identified categories include, but are not limited to those listed.

1. Business courses include: (A) Bidding a Job, (B) Maintaining Cash Flow, (C) Interpretation of Contracts and Agreements Purchasing Control, (D) Contract Scheduling, (E) Obtaining Insurance and Bonding, (F) Complying with Contracting Laws and Rules, (G) Personnel Management, (H) Complying with Payroll and Sales Tax Laws, (I) Interpretation of Financial Statements and Reports, and (J) Management Accounting.

2. Technical courses include: (A) General Theory and Electrical Principles, (B) Plan and Specification Reading and Interpretation, (C) Wiring and Protection, (D) Wiring Methods and Materials, (E) Special Occupancies and Situations, (F) Life Safety and Americans with Disabilities Act, (G) Electrical Signs, Outline Lighting, and Structural Considerations, (H) Alarms/ Limited Energy, and (I) Estimating.

3. Safety courses include: OSHA Safety, Procedure for Testing and Use of Tools and Equipment.

(b) The course must follow a written text, which must be submitted to the Board for approval on request.

(c) The instructor of the course must be a professional educator, certified electrical contractor or a similar authority in the field. The licensee must submit a notarized statement affirming the following:

1. Number of classroom hours attended.
2. Provider of the course.
3. Location of the course.
4. Date of the course.
5. Name of the instructor and his credentials.
6. Benefit received from the course.

(3) An instructor of any of the courses described in sections (1) and (2) of this rule may credit his classroom hours of the course toward completion of his continuing education requirement.

Specific Authority 489.507(3), 489.519(3) FS. Law Implemented 455.271(10), 489.513(3), 489.517(3)(a), 489.519(3) FS. History—New 1-2-80, Formerly 21GG-9.02, 21GG-9.002, Amended 12-27-00, 4-17-01.

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

(1) through (5) No change.

(6) A minimum of zero 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, 8-15-04.

This rule was made effective August 15, 2004. During discussion Ms. Guillemette advised the board that the requirement to complete "0-hours" of classroom study for advanced or specialized modules is contrary to the intent of the statute.

MOTION: Mr. Bellemare moved to table development of Rules 61G6-9.002, and 61G6-9.004, F. A. C., until the November 2004 meeting.

SECOND: Mr. Tibbs.

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

61G6-11.001 Citations.

The following violations of § 489.533, F.S., may be resolved by the issuance of a citation pursuant to § 455.224, F.S., and Rule 21, F. A. C.

(1) through (10) no change.

(11) Sec. 489.533(1)(o)/Rule 61G6-5.008(4): Failure to timely respond to Board audit.

First offense: \$400 Fine.

Second offense: \$500 Fine.

Except as provided in this rule, citations shall be issued pursuant to this rule only where the violation is the first offense, where the violation is the sole offense cited, and where no harm to consumers results from the violation. The disposition of reported violations prosecuted pursuant to § 455.225 F.S., shall be according to Rule 61G6-4 and/or Rule 61G6-10.

Specific Authority 489.507(2), 455.224 FS. Law Implemented 455.224, 455.225 FS. History—New 1-19-92, Formerly 21GG-11.001, Amended 4-14-98.

MOTION: Mr. Bellemare moved to approve the proposed amendment to Rule 61G6-11.001, F. A. C.

SECOND: Mr. Tibbs.

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

The following Rules have been adopted and made effective as of October 3, 2004.

61G6-12.0015 Requirements for Burglar Alarm System Agent Identification Card.

After the completion of the course outlined in Rule 61G6-12.001, F.A.C., the licensee shall issue identification cards to each of the alarm system agents. The card shall be at least 3 1/4 x 2 1/4 inches in size. The card shall contain: 1 x 1 1/4 inch full face picture of the alarm system agent; name of the holder of the card; name and license number of the unlimited electrical contractor or licensed alarm system contractor; name and address of the business organization; signature of the contractor and the card holder; and issue date and expiration date of the card. The expiration date must be within 2 years of the issue date. The identification card must be in the possession of the burglar alarm system agent while engaged in the all burglar alarm system agent duties. The card shall be issued in the following format:

<u>BURGLAR ALARM SYSTEM AGENT</u>	
<u>The bearer of this card has met the training requirements pursuant to Chapter 489.518 Florida Statutes.</u>	
<u>PHOTO HERE</u>	<u>Name: Tom Brown</u> <u>Business: Alarm Center, Inc.,</u> <u>Address: 1940 N. Monroe St.</u> <u>Tallahassee, FL 32399</u> <u>Signature: Tom Brown</u>
<hr/>	
<u>Qualifier: John Doe</u> <u>Signature: John Doe</u> <u>Issued: October 1, 2004</u>	<u>License # EC 0012345</u> <u>Expires: September 30, 2006</u>

Specific Authority 489.507(3) FS. Law Implemented 489.507(3),
489.518(4)(a),(b) FS. History–New _____.

61G6-12.0016 Continuing Education Requirements for Burglar Alarm System Agents.

Each burglar alarm system agent must attend 6 hours of Board-approved continuing education on burglar alarm system installation and repair and false alarm prevention every 2 years, from a Board-approved sponsor of training and through a Board-approved training course as outlined in Rule 61G6-12.001, F.A.C. The contractor shall reissue an identification card which shall state the bearer of the card has met the 6 hours of continuing education pursuant to Section 489.5185, F.S.

Specific Authority 489.507(3) FS. Law Implemented 489.507(3),
489.518(4)(d),(5) FS. History–New _____.

<u>BURGLAR ALARM SYSTEM AGENT</u>	
<u>The bearer of this card has met the training and CE requirements pursuant to Chapter 489.518 Florida Statutes.</u>	
<u>PHOTO HERE</u>	<u>Name: Tom Brown</u> <u>Business: Alarm Center, Inc.,</u> <u>Address: 1940 N. Monroe St.</u> <u>Tallahassee, FL 32399</u> <u>Signature: Tom Brown</u>
<hr/>	
<u>Qualifier: John Doe</u> <u>Signature: John Doe</u> <u>Issued: October 1, 2004</u>	<u>License # EC 0012345</u> <u>Expires: September 30, 2006</u>

During discussion the Rules Committee recommended adding a requirement for one (1)-hour continuing education in false alarm prevention to Rule 61G6-12.004, F. A. C.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

No report.

UNLICENSED ACTIVITY (ULA) REPORT – Kimberly A. DeBerry

The Committee reviewed the Electrical Contractors' Licensing Board ULA Monthly Statistical Report prepared by Andre Ruffner. The Committee requested that Mark Reddinger, ULA Program Administrator, be invited to make a presentation at the November 2004 meeting.

PROBATION COMMITTEE REPORT– Paul Sandefer

No report.

EXAMINATION COMMITTEE REPORT – Clarence Tibbs

The Examination Committee reviewed the July 6, 2004 Pass/Fail Report and historical data on ECLB Examination Summary Reports spanning the last five (5)-years, prepared by Joseph C. Muffoletto, Senior Psychometrician. Highlights of discussion included:

MOTION: Mr. Langer moved to accept the July 6, 2004 Pass/Fail Report as presented.

SECOND: Mr. Sandefer.

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

- 113 Candidates were scheduled for the July 6, 2004 ECLB exams.
- 53 candidates or 46.9% achieved a passing score.
- 60 candidates or 53.1% achieved failing exam scores.
- 709 candidates have been scheduled for ECLB exams over the past five (5)-years.
- 338 candidates or 48.93% have achieved passing scores over the past five (5)-years.
- 371 candidates or 51.07% have achieved failing exam scores over the past five (5)-years.

ENDORSEMENT COMMITTEE REPORT – Jeffrey M. Kiner, Chairman

The Endorsement Committee reviewed the Endorsement. The Committee requested that more information be included in the Endorsement matrix; specifically, to include the equivalent licensure classifications from the State of Georgia and the State of North Carolina, and to include copies of the revised Endorsement Matrix in each endorsement application. The revised Matrix will be presented at the November 2004 meeting.

RATIFICATION OF APPLICATIONS COMMITTEES REPORTS – Jeffrey M. Kiner, Chairman and Pierre A. Bellemare

The Application Committee reviewed 57 applications for examination, 20 for additional business entities, 5 transfers, 1 business entity, 6 endorsements, 11 certification of a registered license, and 2 registration.

Mr. Kiner read into the record the list of applications approved in all categories.

MOTION: Ms. Small moved to approve the list as read into the record.

SECOND: Mr. Mugford.

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

ADDITIONAL BUSINESS ENTITES APPROVED

- | | | |
|---|---|--|
| 1. Annis, John
Black & Veatch
Construction, Inc. | 8. Frieder, Jose
ProTechnical Support
Corporation | 12. Russell, John M.Frank,
Robert M.
Boca Theater and
Automation, Inc. |
| 2. Bennett, William J.
Quality Electric | 9. Hughes, David
Florida Certified Sign
Erectors, LLC | 13. Scholer, Norman C.
Command Security
Integration, LLC |
| 3. Brown, Christopher
Integrated Excellence, Inc.
dba Integrated Excellence | 10. Klink, Robert H.
Daniel Electrical
Contractors, Inc. –
<i>APPROVED; as a
TRANSFER for
SEACONDARY QUALIFIER
pending receipt of FRQ and
documentation correcting
corporate officer identities.</i> | 14. Stroud, Donnie G.
Smart City
Telecommunications, LLC
dba Smart City Telecom |
| 4. Corsa, Reynaldo
Tytor, LLC | 11. Perry, Richard
National Security Source,
LLC | 15. Thomas, James F.
LL Marketing Concepts, Inc.
dba Safeway Protection |
| 5. De Los Reyes Gavilan,
Aristides
Nextiraone, LLC | | 16. Torgerson, David C.
Qualified Systems
Contracting, Inc. |
| 6. Denslow, Steven
Electrical Systems and
Designs, Inc. | | 17. Wallace, Terry
Wallace Engineering, Inc. |
| 7. Flippin, Daryl W.
Dillard Smith Construction
Company | | |

TRANSFER APPLICATIONS APPROVED

1. Grant, Robert
Atlantic Service & Supply, LLC
2. Shaw, Eulee
Encore Electric, Inc.

CERTIFICATION OF REGISTERED LICENSE (GRANDFATHERING) APPLICATION APPROVED

1. Lehmkuhl, Roger G.
Lehmkuhl Electric, Inc.
2. Padgett, Robert
Robert E. Padgett Electrical Contractor, Inc.

EXAMINATION APPLICATIONS APPROVED

Unlimited Electrical Contractor

- | | | |
|--------------------|------------------------|-------------------------|
| 1. BAILEY, BOBBY | 10. HERRMANN, UWE | 19. TERRANOVA, ALBERT |
| 2. BAIRD, CALVIN | 11. LUNDBERG, RICHARD | 20. TROCHIO, DANIEL |
| 3. BRADLEY, JACK J | 12. MANDOR, GREG L | 21. VARNER, HERBERT |
| 4. BRADSHAW, JAMES | 13. MARTINEZ, VLADIMIR | 22. VARONA, CHRISTOPHER |
| 5. CRIST, WILLIAM | 14. ROMERO, RICHARD | 23. WALTON, THOMAS |
| 6. DUFFY, MICHAEL | 15. SANTILLI, MARK | 24. WELCH, RICHARD |
| 7. FELKNOR, THOMAS | 16. SMITH, BRIAN W | 25. WILEY, JOSEPH |
| 8. FRICK, JOSEPH | 17. SMYTH, JEFFREY C | 26. YOUMANS, DENNIS |
| 9. GONZALEZ, JORGE | 18. SNOOK, TIMOTHY L | 27. YUSKA, MARK |

Alarm System Contractor I

- | | |
|------------------|---------------------|
| 1. BENSON, SHAWN | 3. LACOMBE, RICHARD |
| 2. FOWEE, JOHN R | |

Alarm System Contractor II

- | | |
|---------------------|-----------------|
| 1. ELLIOTT, MICHAEL | 3. KATZ, SYLVAN |
| 2. EVERS, LARRY | 4. SMITH, DANNY |

Limited Energy System Specialty Contractor

- | | | |
|-----------------------|-----------------------|--------------------------|
| 1. ABRAM, GARY | 6. GIORDANO, DOMINICK | 11. NORTON, RONALD V |
| 2. BRAFFORD, DAVID | 7. HOLLY, JUSTIN | 12. RANKIN, D WAYNE |
| 3. CAMEJO, ARMANDO | 8. LOPEZ, JOSEPH | 13. REED, JIMMY C |
| 4. CONNELL, STEWART R | 9. MAURIELLO, TINA | 14. RODRIGUEZ, NELSON E. |
| 5. DRON, JOHN | 10. MCGUIRE, BRENT | 15. RIVERA, JERRY |

Initial Business Entity Application

1. MEIER, TERRY

Mr. Kiner read into the record the list of applications continued, tabled, withdrawn, and denied in all categories.

MOTION: Ms. Small moved to approve the list as read into the record.

SECOND: Mr. Mugford.

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

ADDITIONAL BUSINESS ENTITIES

1. Attaway, Thomas
Attaway Electric of Central Florida, Inc. – *WITHDRAWN*; per applicant's request.
2. Babbitt, Howard Paul
Advanced Design Technologies, Inc. – *CONTINUED*; per applicant's request until November 18-19, 2004 meeting in Tallahassee, FL.
3. Bills, Clinton
BCI Technologies, Inc. - *CONTINUED*; per applicant's request until November 18-19, 2004 meeting in Tallahassee, FL.
4. Chaney, William W.
Dolphin Electric, Inc. – *TABLED*; pending appearance of applicant at the November 18-19, 2004 meeting in Tallahassee, FL.

ENDORSEMENTS

1. Johnson, Bruce
EZ Electric, Inc. dba EZ Electric Inc of WV – *DENIED*; per s. 489.511(6), F. S., his North Carolina license was issued pursuant to a reciprocal agreement with the State of West Virginia.
2. Lefler, Bobby
Carter Brothers, LLC – *DENIED*; per s. 489.511(6), F. S., the ECLB does not approve for endorsement the low-voltage classification of licensure from the State of North Carolina.
3. Rogers, Noris
Noris G Rogers dba Sinewave Electric Co. – *DENIED*; per s. 489.511(6), F. S., licensure from the State of Texas is not approved for endorsement by recommendation of the Bureau of Education and Testing.
4. Simcox, Frederick
Hutton Electric Company, Inc. – *DENIED*; per s. 489.511(6), F. S., his North Carolina license was issued pursuant to a reciprocal agreement with the State of Virginia.
5. Usher, Alan
Fujitsu Network Communications, Inc. – *DENIED*; per s. 489.511(6), F. S., his Georgia low-voltage license was issued pursuant to a reciprocal agreement with the State of North Carolina.

TRANSFERS

1. Wertz, Malcolm
Electronic Systems Design, Inc. – *DENIED*; per 61G6-5.005(2)(b), F. A. C., evidence of an unsatisfied tax lien.
2. Woodward, Charles Barry
Harris Manufacturing, Inc. – *DENIED*; per 61G6-5.006(1), F. A. C., cannot transfer a second business license number, must apply for a new second business.
3. Woodward, Charles Barry
Joey Electric, Inc. - *DENIED*; per 61G6-5.006(1), F. A. C., cannot transfer a second business license number, must apply for a new second business.

CERTIFICATION OF REGISTERED LICENSE

1. Baraglia, Robert John
Waldrop Enterprises, Inc. dba AAA Signs – *DENIED*; per s. 489.514(2)(c), F. S., does not have 5-years experience as a registered contractor at time of application, applicant is not required to pay a new application fee to reapply.
2. Berry, Jay O.
J.W. Berry Signs, Inc. – *DENIED*; per s. 455.213(3), F. S., under investigation for violation of Chapter 489, Part II, F. S.
3. Fisher, Ralph
Fisher Construction Co, Inc., - *DENIED*; per s. 489.514(2)(b), F. S., has not passed a substantially similar written, proctored examination.
4. Hurley, Kevin Lee
Hurley Electric, Inc. - *DENIED*; per s. 489.514(2)(c), F. S., does not have 5-years experience as a registered contractor at time of application.
5. McHardy, David - *DENIED*; per s. 489.514(2)(c), F. S., does not have 5-years experience as a registered contractor at time of application.
6. Redmond, Neil David
Neil Redmond, Inc. - *DENIED*; per s. 489.514(2)(b), F. S., has not passed a substantially similar written, proctored examination.
7. Rossi, Richard L
Rossi Electric, Inc. - *DENIED*; per s. 489.514(2)(b), F. S., has not passed a substantially similar written, proctored examination.
8. Williams, Thomas
Williams & Williams Electrical Contracting, Inc. - *DENIED*; per s. 489.514(2)(b), F. S., has not passed a substantially similar written, proctored examination.

REGISTERED LICENSE

1. Vetter, Keith C.
North Port Electric Services, Inc. – *DENIED*; per s. 489.533(1)(d), F. S., extensive criminal history related to the practice of electrical contracting by probation violation, resisting without violence, robbery, burglary of a structure, per s. 455.213(3), F. S., scheme to defraud by making a false report concerning capital felony, per s. 112.001(1)(b), F. S., civil rights not restored pursuant to a felony conviction..

EXAM APPLICANTS

Unlimited Exam

1. CORNELIUS, ROBERT – *DENIED*; per Rule 61G6-5.003(3)(b), F. A. C., W2s are not included with application.
2. DUBE, ROBERT – *DENIED*; per Rule 61G6-5.003(3)(b), F. A. C., has only 3-years of W2 forms when 6-years are required and has claims or lawsuits for unpaid accounts in the past 5-years per 61G6-5.005(2)(b), F. A. C.
3. HILL, JOHN – *DENIED*; per s. 489.511, F. S., lack of 3-years proven experience working for a certified electrical contractor.

4. NORWOOD, LORENN – *DENIED*; per s. 489.511, F. S., and 61G6-5.001, F. A. C., lack of experience, no detail provided on many of the job descriptions.
5. NOYES, RUSSELL K., - *DENIED*; per s. 489.511, F. S., does not show 3-years experience in the trade.

Residential Exam

1. PLAMONDON, ROBERTA., - *DENIED*; per s. 489.511(3)(a), F. S., fail to supply work history in the electrical contracting trade.

Limited Energy Exam

1. JUAN, STEVEN – *DENIED*; per Rule 61G6-5.003(3)(b), F. A. C., employment verification forms do not appear to be accurate, need new original verification forms.

CONTINUING EDUCATION COMMITTEE – Pierre A. Bellemare

Mr. Bellemare read into the record the list of CE Courses and BASA/FASA Courses Approved.

MOTION: Mr. Bellemare moved to approve the list as read into the record.

SECOND: Ms. Small.

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

Mr. Bellemare read into the record the list of CE Courses and BASA/FASA Courses continued, tabled, withdrawn, and denied.

MOTION: Mr. Bellemare moved to approve the list of CE Courses and BASA/FASA Courses continued, tabled, withdrawn, and denied.

SECOND: Ms. Small.

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

CE APPLICATIONS - Classroom

A. Franklin Edison Corporation

1. Grounding & Protecting Sensitive Site Loads
2. Installation & Maintenance Considerations for Power Quality, Distortion and Electrical Safety

B. Garrison Associates, Inc.

1. Fire All the Managers – The Need for Leadership Has Never Been Greater Part 1: Fundamentals of Leadership
2. Fire All the Managers – The Need for Leadership Has Never Been Greater Part 2: Team Building
3. Fire All the Managers – The Need for Leadership Has Never Been Greater Part 3: How to Eliminate the Obstacles to Leadership
4. How to Increase Profit Margins – Part 1: Fundamentals of Construction Marketing & Management

5. How to Increase Profit Margins – Part 2: Developing a Strategic Goal
 6. How to Increase Profit Margins – Part 3: The Tools of a Competitive Advantage
 7. Using Project Management as a Tool to Improve Productivity – Part 1: PM Tools & Techniques
 8. Using Project Management as a Tool to Improve Productivity – Part 2: Using Leadership to Gain Greater Productivity
- C. National Fire Protection Association
1. Stallcup's 2005 NEC Changes Seminar – *APPROVED*; for all target audiences.
- D. Loran / Nightscaping®
1. Romancing the Night
 2. Fundamentals of Lighting Design for Electrical Contractors
- E. Silent Knight
1. Installation of the Silent Knight Addressable FACP's and Voice EVAC Systems

TABLED FROM JULY 2004 MEETING

- A. Jerry Andrews
1. Electrical Contractor – Noncredited college courses – *APPROVED*; for reactivation per 61G6-9.002, F. A. C.

FIRE ALARM SYSTEM AGENT APPLICATIONS- Classroom

- A. Larry McDonald
1. Fire Alarm Systems Agent Course (CE) – *DENIED*; does not meet the requirements of s. 489.5185(5), F. S.
 2. Fire Alarm Systems Agent Course (Training) – *DENIED*; does not meet the requirements of s. 489.5185(1)(b), F. S.
- B. Quality Communications Fire & Security, Inc.
1. Fire Alarm System Agent Course (CE) – *DENIED*; course timeline is not consistent with the course hours requested and does not meet the requirements of s. 489.5185(5), F. S.
 2. Fire Alarm System Agent Course (Training) - *DENIED*; course timeline is not consistent with the course hours requested and does not meet the requirements of s. 489.5185(1)(b), F. S.

GENERAL SESSION

No discussion.

OLD BUSINESS

Mr. Bellemare inquired to the board and Department staff as to the status of the conflict with the City of Boca Raton and the Ordinance requiring UL Certification for electrical and alarm system contractors doing work in the City of Boca Raton. Ms. Guillemette advised the board that a substantially affected person would have to file suit against the City of Boca Raton, and could potentially file a Petition for

Declaratory Statement with the ECLB, and the Final Order filed in answer to the Petition could be forwarded to the offending municipality. Mr. Bellemare stated that other counties were now implementing ordinances similar to the Ordinance in effect in the City of Boca Raton, requiring UL Certification for purposes of permitting alarm systems contracting. Mr. Kiner and Bob Neely, Executive Director, Alarm Association of Florida stated that Senator Michael S. "Mike" Bennett, Rep. 21 Dist., and owner of an electric contracting business, was recently denied a permit for an alarm system in Lee County, because the certificateholder, Steve Brown, was not UL Certified. Mr. Kiner stated he will follow-up with Mr. Brown. Mr. Neely stated that he had contacted Senator Bennett's office regarding the matter and understood that a letter addressing this issue was forthcoming from the Senator's office.

NEW BUSINESS

No report.

BOARD COUNSEL'S REPORT – Diane Guillemette, Esq., Assistant Attorney General

No report.

EXECUTIVE DIRECTOR'S REPORT – John T. Knap, Executive Director

Mr. Knap presented the ECLB Performance Standards Report for Fiscal Year 2003-2004; the ECLB Operating Account Financial Report for June 2004 and 2003; the Unlicensed Activity Account Financial Report for June 30 2004 and 2003; and final version of the memorandum to be issued to all Florida Building Code Administrators regarding issuance of permits for low-voltage work and proper licensure of lightning protection contractors. Highlights of the report included:

- ◆ An average of 29.8-days for Complaint Analysis to generate a Field Investigation.
- ◆ An average of 60.1-days for Complaint Analysis to generate an Administrative Closure.
- ◆ An average of 113.1-days to Conduct an Investigation.
- ◆ An average of 223.2-days from receipt of Complaint to legal Prosecution.
- ◆ An average of 4-days to process non-deficient license applications.
- ◆ An average 93-days to process non-deficient examination applications.
- ◆ An average of 22-days to process license applications reconsiderations.
- ◆ An average of 48-days to process examination applications reconsiderations.
- ◆ An average of 408 incomplete grandfathering applications on file.
- ◆ A total of 18753 calls received in the Department concerning the ECLB.
- ◆ A total of 753 calls transferred to the ECLB board office for resolution.
- ◆ The board expressed concerns about the amount of time it appeared to take to for a disciplinary case to progress from the complaint stage to legal prosecution.
- ◆ The board recommended that Department staff send a letter to applicants with incomplete grandfathering applications requesting them to take action, or deem the applications abandoned.

MOTION: Ms. Small moved to approve the final version of the memorandum to be issued to all Florida Building Code Administrators regarding issuance of permits for low-voltage work and proper licensure of lightning protection contractors.

SECOND: Ms. DeBerry.

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

CHAIRPERSON'S REPORT - Jeffrey M. Kiner, Chairman

Mr. Kiner extended the board's thanks to Diane Guillemette for serving as Board Counsel at this meeting. The board discussed the 2005 meeting schedule and established the following dates and locations:

- ◆ January 27-28, 2005 – St. Augustine, FL
- ◆ March 17-18, 2005 – Pensacola, FL
- ◆ May 18-20, 2005 – Fort Myers, FL
- ◆ July 28-29, 2005 – Tampa, FL
- ◆ September 22-23, 2005 – Gainesville, FL
- ◆ November 17-18, 2005 – Tallahassee, FL

Messrs. Kiner and Mugford acknowledge and commended the work done by the board and board staff and extended their thanks.

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