

**MINUTES FROM THE
NOVEMBER 18-19, 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 –Paul Sandefer

ROLL CALL- Members Present

Arnaldo L. Abreu
Pierre A. Bellemare
Jeffrey M. Kiner, Chairman
Norman R. Mugford, Vice-Chairman
Donald C. Penner
Lewis P. Roberts
Paul W. Sandefer
Rae Small
Clarence K. Tibbs

ROLL CALL- Member Absent

Kimberly A. DeBerry
Roger E. Langer

OTHERS PRESENT

John T. Knap, Executive Director
Gregory Spence, Government Analyst I
Mary Ellen Clark, Esq., Assistant Attorney General
Drew F. Winters, Esq., Assistant General Counsel
Court Reporter
See Attachment 1 for others present

DISCIPLINARY CASES – Drew F. Winters, Assistant General Counsel

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

On June 11, 2004, the Department filed an Administrative Complaint in Case No.: 2003-083802 charging the respondent with violation of s. 489.533(1)(a), F. S., through a violation of s. 455.227(1)(q), F. S., by failing to comply with Final Order number BPR 2003-01767. Respondent timely filed an Election of Rights Form requesting a hearing pursuant to s. 120.57(2), F. S.

The Respondent was not present, nor represented by counsel. After review of the complete record and prior disciplinary actions against the respondent, the board took the following action:

MOTION: Mr. Abreu moved to adopt the Findings of Fact and Conclusion of Law as stipulated in the Administrative Complaint.

SECOND: Mr. Bellemare.

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

MOTION: Mr. Sandefer moved to adopt the Department's recommended penalty imposing payment of an administrative fine of \$500.00 and administrative costs of \$321.05 within thirty (30)-days of the entry of a Final Order and one (1)-year probation with submission of quarterly reports .

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 11000560, EF 12000560
Recused: Kiner, Mugford, Small

On June 11, 2004, the Department filed an Administrative Complaint in Case No.: 2003-086252 charging the respondent with a violation of s. 489.533(1)(a), F. S., through a violation of s. 455.227(1)(q), F. S., by failing to comply with Final Order number BPR 2003-01765. 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. Getz was not present nor represented by counsel. Mr. Winters introduced the matter for the record. After consideration of the complete record, and prior disciplinary actions against the respondent, the Board took the following action:

MOTION: Mr. Bellemare moved to determine that the respondent had been properly serviced the Administrative Complaint.

SECOND: Mr. Tibbs.

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

MOTION: Mr. Abreu moved to adopt the Findings of Fact and Conclusion of Law as stipulated in the Administrative Complaint.

SECOND: Mr. Bellemare.

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

MOTION: Mr. Bellemare moved determine that respondent's prior violations and complaints and failure to respond in this case were grounds for aggravation and warranted imposition of a penalty requiring payment of an administrative fine of \$1,000.00 and administrative costs in the amount of \$124.40, in addition to the \$3,715.76 imposed by Final Order number BPR 2003-01765 within thirty (30)-days of the entry of a Final Order in this case and immediate revocation of respondent's license.

SECOND: Mr. Tibbs.

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

Jay B. Little
375 N. E. 3rd Street
Delray Beach, FL 33483
Case No.: 2003-089413
License Number: ET 0000637
Recused: Kiner, Mugford, Small

At the request of Assistant General Counsel Winters, this case was withdrawn from the meeting agenda and will be heard at the January 27, 2005, meeting to be held in St. Augustine, FL.

Rogelio Martinez
7650 W. 34th Street
Miami, FL 33018
Case No.: 2003-068269
License Number: ER 13012566
Recused: Kiner, Mugford, Small

On June 11, 2004, the Department filed an Administrative Complaint in Case No.: 2002-015393, and an Amended Administrative Complaint on June 18, 2004, charging the respondent with a violation of s. 489.533(1)(r), F. S., by proceeding on electrical work at a customer's home without obtaining the necessary permits. Respondent timely filed an Election of Rights Form 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, the board took the following action:

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

SECOND: Mr. Tibbs.

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

MOTION: Mr. Sandefer moved determine that respondent's failure to complete the work at the customer's home in this case was grounds for aggravation and warranted imposition of a penalty requiring payment of an administrative fine of \$1,000.00 and administrative costs in the amount of \$357.60, within thirty (30)-days of the entry of a Final Order.

SECOND: Mr. Tibbs.

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: Howard Paul Babbitt, Advanced Design Technologies, Inc.; Howard Paul Babbitt, XS Protection; Pierre A. Bellemare, Intelitec Systems Integration, LLC; Clinton Bills, BCI Technologies, Inc.; Gerard Bourque, HTS, Inc.; Israel Carratala, Advance Digital Technicians, Inc.; William Chaney, Dolphin Electric, Inc.; Carl H. Davis, Advanced Audio & Electronics, Inc.; William E. Henry, Sentinel Security Systems, Inc.; William J. III Hollenback, Vann Data Services, Inc.; Thomas F. Nienaber, AJS Communications, Inc.; James Patrick Sandberg, Guardian Alarm of Florida, LLC; Steven Lee Smith, Joshua Creek Electric, Inc.; Dennis W. Thomas, DEA Solutions, Inc.; Charles Barry Woodward, Power Solutions Electric, Inc.; Charles Barry Woodward, Harris Manufacturing, Inc.; Robert C. Worth, Safe Electrical Services, Inc.

Also present were Jeffrey V. Budd, Scott Alarm, Inc. (transfer); Mark Liebold, Miami Cable Connections, Inc. (grandfathering); Robert Shatz, Schatz Electronic, Inc. (grandfathering); Charles Hood, Buck's Electrical Contractor, LLC (registration); and Sandra Allen, Esq., representing Robert S. LeRoy, LeRoy Electrical Enterprises, Inc. (grandfathering), and William D. Schaefer, Lester Electric, Inc. (grandfathering).

The court reporter 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. Mugford asked specifically of each second business applicant:

- ◆ *“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 applicant 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.

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

Marcus Millican

Application Denial – Unlimited Electrical Contractor Examination

This matter first came before the board at a duly noticed public meeting on July 21-22, 2004, in Tampa, FL. The board denied the application on the grounds that the application failed to demonstrate that Mr. Millican's work experience met the eligibility requirements established by Section 489.511(2)(a) 3, F. S., in that at least 40% of his work experience was in 3-phase electrical service as required by Rule 61G6-5.003(1)(c) 1, Florida Administrative Code.

The Notice of Intent to Deny was filed with the Department on August 10, 2004, and serviced to Mr. Millican by return receipt certified mail on August 10, 2004. Mr. Millican received the document on or about August 14, 2004 and timely submitted an Election of Rights Form. Notice of the hearing date, time and location was serviced to Mr. Millican on September 3, 2004, scheduling the hearing for November 19, 2004 at 9:00 a. m.

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

MOTION: Mr. Tibbs moved to reverse the denial and approve the application.

SECOND: Mr. Sandefer.

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

Richard Wood, Jr.

Application Denial – Unlimited Electrical Contractor Examination

This matter first came before the board at a duly noticed public meeting on July 21-22, 2004, in Tampa, FL. The board denied the application on the grounds that the application failed to demonstrate the required financial responsibility established by s. 489.515(1)(b), F. S.

The Notice of Intent to Deny was filed with the Department on August 10, 2004, and serviced to Mr. Wood by return receipt certified mail on August 10, 2004. Mr. Wood received the document on or about August 14, 2004, and timely submitted an Election of Rights Form. Notice of the hearing date, time and location was serviced to Mr. Wood on October 18, 2004, scheduling the hearing for November 19, 2004, at 9:00 a. m.

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

MOTION: Mr. Tibbs moved to reverse the denial and approve the application.

SECOND: Mr. Mugford.

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

RECONSIDERATIONS – Mary Ellen Clark, Esq., Assistant Attorney General

Armando Alvarez

Application Denial – Unlimited Electrical Contractor Examination

This matter first came before the board at a duly noticed public meeting on July 21-22, 2004, in Tampa, FL. The board denied the application on the grounds that the application demonstrated that Mr. Alvarez practiced electrical contracting without being certified or registered in violation of s. 489.531(1)(a), F. S., and the application failed to demonstrate the required work experience, established by s. 489.511(2)(a) 3, F. S., and the application failed to evidence the required W-2 forms required by Rule 61G6-5.003(3)(b), F. A. C.

The Notice of Intent to Deny was filed with the Department on August 10, 2004, and serviced to Mr. Alvarez by return receipt certified mail on August 10, 2004. Mr. Alvarez received the document on or about August 13, 2004, and timely submitted an Election of Rights Form, electing to supplement his application in lieu of electing a hearing pursuant to s. 120.57, F.S. Notice of the reconsideration date, time and location was serviced to Mr. Alvarez on September 17, 2004, scheduling the reconsideration for November 19, 2004, at 9:00 a. m.

Mr. Alvarez was present, and not represented by counsel. Ms. Clark introduced the matter for the record. The board elected not to reconsider Mr. Alvarez's application.

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., to which Mr. Waldron neither responded or made clear his

intentions. Subsequently, Ms. Clark recommended the board withhold action until Mr. Waldron made clear his intentions to either supplement his application for reconsideration or proceed with his petition for Formal Hearing.

In an email message dated July 7, 2004, Mr. Waldron stated:

“Dear Mrs. Clark:

After having the conversation with you on July 29, I recognized that all the document pertaining to my application was put in offsite storage. We sold our home on the July 23, and is in temporary housing for about a month until we could find a home that we like. It is coincidental and very untimely for me at this time just when some positive direction is given to me. I am trying my best to resurrect some of the original document plus validation on my 3-phase experience. It is deeply gratifying to me for the personal attention you have given to this matter, and I must take the opportunity to thank you so much. My late response is not an indication of dedication to obtaining my license but a coincident of timing. I will try as soon as possible to correspond with Greg. Thanks again.”

After consideration of Mr. Waldron's email message the board voted to table the matter until the September 16-17, 2004, meeting of the board to take place in Pensacola, FL. Notice of the meeting date, time and location was serviced to Mr. Waldron on July 28, 2004.

Subsequently, the September 18-19, 2004, meeting was postponed to October 5-6, 2004, to be held in Tallahassee, FL due to hurricane activity. Notice of the meeting postponement was published in the Florida Administrative Weekly on September 24, 2004, and serviced to Mr. Waldron on September 15, 2004.

At the October 5-6, 2004, meeting, the board at the request of Ms. Clark voted to again table the application until the November 18-19, 2004, meeting to take place again in Tallahassee, FL. Notice of the meeting date, time and location was serviced to Mr. Waldron on October 26, 2004.

Mr. Waldron was not present and not represented by counsel. Ms. Clark introduced the matter for the record. The board elected not to reconsider Mr. Waldron's application.

Craig Evans **Application Denial – Alarm System Contractor I Examination**

This matter first came before the board at a duly noticed public meeting on May 26-28, 2004, in St. Augustine, FL. The board denied the application on the grounds that the application failed to show that Mr. Evans had the required work experience required by s. 489.511(2)(a) 3, F. S.

Upon receipt of the Notice of Intent to Deny, Mr. Evans submitted an Election of Rights Form, requesting a hearing not involving disputed issues of material fact and to supplement his application. The Notice of Intent to Deny was filed with the Department on June 24, 2004, and serviced to Mr. Evans by return receipt certified mail on June 24, 2004.

Mr. Evans was not present and not represented by counsel. Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Evans' application, experience and licensure as a Professional Engineer pursuant to Chapter 471, F. S. As part of his supplemental documentation, Mr. Evans provided proof of his licensure as a Professional Engineer, license number PE 0033652. After discussion:

MOTION: Mr. Mugford moved to reconsider the application.

SECOND: Mr. Sandefer.

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

MOTION: Mr. Mugford moved to reverse the denial and approve the application.

SECOND: Mr. Sandefer.

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

Malcolm Wertz
Electronic Systems Design, Inc.
Application Denial – Transfer a Certified License to a New Business Entity

This matter first came before the board at a duly noticed public meeting on October 5-6, 2004, in Tallahassee, FL. The board denied the application on the grounds that the application failed to show the required financial responsibility required by s. 489.521(3)(a), F. S., by evidence of an unsatisfied tax lien in violation of Rule 61G6-5.005(2)(c), F. A. C.

A Notice of Intent to Deny, was not filed in this matter and counsels representing Mr. Wertz, Mark Steven Levine, Esq., and H. B. Stivers, Esq., of Levine, Stivers and Myers, agreed with Ms. Clark to review this matter as a Reconsideration. Notice of the reconsideration date, time and location was serviced to Mr. Wertz, through counsel on November 2, 2004.

Mr. Wertz was present and represented by counsel, H. B. Stivers, Esq. Mr. Wertz was sworn by the court reporter and Ms. Clark introduced the matter for the record. The board entered into discussion regarding Mr. Wertz's application and supplemental documentation. Mr. Stivers offered testimony on behalf of his client, noting that the alleged unsatisfied tax lien was in fact being paid-off in compliance with a repayment plan with the U. S. Internal Revenue Service, and that the transfer application was precipitated by virtue of litigation in the Federal District Court, Middle District of Florida, relative to a trademark and service mark infringement Complaint and ensuing Settlement Agreement which required that Electronic Systems Design, Inc., submit within a proscribed period of time, the appropriate application to change their name. After discussion:

MOTION: Mr. Mugford moved to reconsider the application.

SECOND: Mr. Tibbs.

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

MOTION: Mr. Mugford moved to reverse the denial and approve the application.

SECOND: Mr. Tibbs.

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

PETITION FOR DECLARATORY STATEMENT – Mary Ellen Clark, Esq., Assistant Attorney General

Jose M. Sabatier, Zabatt Engine Services, Inc., c/o Arnold D. Tritt, Jr., Tritt & Franson, P. A.

In Petition DS 2004-030, filed on October 5, 2004, Mr. Tritt wrote in part:

“...Zabatt Engine Services, Inc. brings this petition on its own behalf and on behalf of its officers, agents and employees, including its president Jose M. Sabatier. Zabatt seeks a declaratory statement that its performance, incident to its role as a distributor of back up and emergency power generators, of maintenance and service work for generator end-users does not fall within the purview of the Florida Statutes governing electrical contractors...”

Mr. Sabatier was present and represented by counsel, Reese Henderson, Esq., Arnold D. Tritt, Jr., Tritt & Franson, P. A. Mr. Sabatier was sworn by the court reporter and Ms. Clark introduced the matter for the record. Mr. Henderson offered testimony on behalf of his client and the board entered into discussion regarding the matter. Highlights of discussion included:

- Testimony that Zabatt Engine Services, Inc., (Zabatt) is a vendor to the electrical contracting industry, selling and servicing standby generator power systems.
- When an installation is complete Zabatt tests and services the system when necessary.
- Zabatt employees are certified by the equipment manufacturer to provide warranty service.
- Proposed question as to at what point of the installation or service is it determined that licensure is required?
- Proposed question whether a vendor of standby generator power systems may or may not perform service and repair work on such generators and related equipment without being licensed as an electrical contractor?
- Opinion that licensure would be required to perform any service and repair work on such generators and related equipment from the demarcation point forward.
- Zabatt uses licensed contractors in all installations of standby generator power systems.
- Opinion that standby generator power systems and related equipment vary greatly in cost and complexity depending on the size of the system.
- Opinion that the power connections in standby generator power systems are the electrical contractor's responsibility and that servicing and repairing the internal components is the vendor's responsibility.
- Opinion that an electrical contractor's license is not required to service and repair a standby generator power systems.

After discussion the board determined that it has jurisdiction over the matter pursuant to s. 120.565, F. S., and electrical and alarm system contractors pursuant to Chapter 489, Part II, F. S. The board further determined that Zabatt is a vendor of generator power systems in the State of Florida, and that Zabatt has provided sufficient information to answer Zabatt's question, specifically; whether or not a vendor of generator power systems must be licensed pursuant to Chapter 489, Part II, F. S., to provide service and repair to such systems?

MOTION: Mr. Sandefer moved to answer Zabatt's inquiry in the negative, stating; a vendor of generator power systems need not be licensed pursuant to Chapter 489, Part II, F. S., to provide service and repair to such systems.

SECOND: Mr. Tibbs.

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

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

Mr. Winters commended the Probable Cause Panel members for the efforts and directed the Board's attention to the Prosecuting Attorney's Report. Details of the report included the following as of October 29, 2004:

- ◆ 56-cases assigned to Office of the General Counsel (OGC) after investigation.
- ◆ 77-cases set for Probable Cause.
- ◆ 1-case 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.
- ◆ 9-cases set for board presentation.
- ◆ 1-case referred to DOAH.
- ◆ 0-cases awaiting Final Order.
- ◆ 0-cases for settlement negotiations.
- ◆ 0-cases ready for default.
- ◆ 0-cases for Stipulation or Request for Informal Hearing.
- ◆ 0-cases requiring supplemental investigation.
- ◆ Total 19-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:

- ◆ 53-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.
- ◆ 4-cases requesting an Informal Hearing.
- ◆ 3-case where Formal Hearings have been requested.
- ◆ 6-cases for Default/failed to respond to AC.
- ◆ 0-cases on appeal.
- ◆ 20-cases hearing held; awaiting Final Order.

After reviewing the reports Mark Reddinger, Unlicensed Activity Program Administrator addressed the board and discussed the Department's statewide enforcement efforts in the wake of the hurricanes. Highlights as of this meeting date included:

- 567-sweep operations.
- 10,656-license checks.
- 7,006-sites visited.
- 99-Notices of Non-compliance (NNCs) issued.
- 256-Citations issued.
- 661-cases opened.

- 716-Cease and Desist Orders (C & Ds) issued.
- 39-Felony arrest.
- The statistics demonstrated a significant increase over the activities reported for the same period in calendar year 2003.
- Report that over 50% of the complaints received were for unlicensed activity.
- ECLB currently ranks second only to the CILB in the number of complaints filed.
- Report that two (2)-Department-wide Public Service Announcements (PSAs) contracts totaling an approximate costs of \$125,000.00, yielded over \$1,000,000.00 equivalent of documented airtime for the Division of Real Estate and the Division of Certified Public Accounting.
- Report that the ECLB could receive a 3:1 return, or 3 minutes airtime for every dollar spent on PSAs.
- Proposal to begin discussion on a Department rule raising minimum Citations to \$1,000.00.
- Suggestion to use “free-radio” shows for consumer outreach.
- Report that an ECLB specific PSA may cost between \$5,000.00 - \$6,000.00.
- Opinion that more action needs to be taken about handymen placing advertisements in newspapers and telephone books offering to perform electrical work.

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

The Legislative Committee reviewed Proposed Amendments to s. 489.505(7), F. S., Definitions; s. 489.505(28), F. S., Definitions; s. 489.513, F. S., Registration; application; requirements; s. 489.537(9), F. S., Application of this part; s. 489.505(12), F. S., Definitions; and re-draft “low-voltage memo.” Highlights of discussion included:

489.505(7), F. S., Definitions

(1) through (6) no change.

(7) “Certified alarm system contractor” means an alarm system contractor who possesses a certificate of competency issued by the department. The scope of certification is limited to alarm circuits originating in the alarm control panel and equipment governed by the applicable provisions of Articles 725, 760, 770, 800 and 810 of the National Electrical Code, Current Edition, and National Fire Protection Association Standard 72, Current Edition. The scope of certification for alarm system contractors also includes the installation, repair, fabrication, erection, alteration, addition, inspection, monitoring, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, and conduit, or any part thereof not to exceed 98 volts, when those items are for the purpose of transmitting data or proprietary video (satellite systems that are not part of a community antenna television or radio distribution system) or providing central vacuum capability or electric locks.

- *The proposed amendment is intended to include specify inspection and monitoring in the statutorily permitted scope of work for certified alarm system contractors and to increase the statutorily limited voltage rating from 77-volts to 98-volts in order to accommodate ring voltages in telephone systems that can rate as high as 98-volts.*

489.505(28) Definitions.—As used in this part:

(c) through (27) no change.

(28) “Fire alarm system agent” means a person:

(c) through (b) no change.

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

- *The proposed amendment is intended to add inspecting to the definition of Fire Alarm System Agent (FASA) duties and make FASA certification pursuant to Chapter 489, Part II, F. S., statutorily required for all persons, including but not limited to UL Certified Inspectors, who perform fire alarm systems inspections.*

489.513 Registration; application; requirements.—

(2) Any person engaged in the business of contracting in the state shall be registered in the proper classification, unless he or she is certified. Any person desiring to be a registered contractor shall apply to the department for registration, and:

(2) Is at least 18 years old;

(b) Is of good moral character;

© Meets eligibility requirements according to the following criteria.

(2) “Good moral character” means a personal history of honesty, fairness and respect for the rights of others and for laws of this state and nation.

2. The board may determine that an individual applying for registration is ineligible for failure to satisfy the requirement of good moral character only if:

(2) There is a substantial connection between the lack of good moral character of the individual and the professional responsibilities of a registered contractor; and

b. The finding by the board of lack of good moral character is supported by clear and convincing evidence.

3. When an individual is found to be unqualified because of a lack of good moral character, the board shall furnish such individual a statement containing the findings of the board, a complete record of evidence upon which the determination was based, and a notice of the rights of the individual to a rehearing and appeal.

(2) through (7) No change.

- *The proposed amendment is intended to further clarify eligibility requirements for registration and provide a definition for “good moral character” and grounds for denial of an application for registration when the board finds evidence of a lack of good moral character of an applicant for registration.*

489.537 Application of this part.—

(1) through (8) no change.

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

- *The proposed amendment based on the Nation Fire Protection Association (NFPA) Article 72, is intended to further clarify the permissible scopes of work for a registered electrical contractor (ER) licenseholder; a certified alarm system contractor II (EG) licenseholder; and a registered alarm system contractor II (EZ) licenseholder.*

489.505(12), F. S., Definitions

(1) through (11) no changes.

(12) “Electrical Contractor” or unlimited electrical contractor” means a person who conducts business in the electrical trade field and who has the experience, knowledge, and skill to install, repair, alter, add to, or design, in compliance with law, electrical wiring, fixtures, appliances, apparatus, raceways, conduit, lightning protection systems, or any part thereof, which generates, transmits, transforms, or utilizes electrical energy in any form, including the electrical installations and systems within plants and substations, all in compliance with applicable plans, specifications, codes, laws, and regulations. The term means any person, firm, or corporation that engages in the business of electrical 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 electrical contracting; or that does itself or by or through others engage in the business of electrical contracting.

- *The proposed amendment, based on NFPA 780, is intended to clarify the scope of work for electrical contractors and establish a statutory requirement for licensure pursuant to Chapter 489, Part II, for persons who perform installations of lightning protection systems, by including lightning protection systems in the statutory definition of electrical contractor.*

After review of the proposed amendments the board entered into discussion concerning the proposed legislative amendments and the re-draft “low-voltage memo.” Also participating in the discussion were Mike Martinez, Esq., and Kyle Mitchell, Esq., Special Counsels to the Secretary. Highlights of discussion included:

- The re-draft low-voltage memo outlines the requirement for licensure and scope of work permitted under the Limited Energy Systems Specialty Contractor’s.
- The Department recommended that the section regarding lightning protection systems be removed pending further research.
- The Board approved the re-draft of the low-voltage memo and directed staff to proceed with distribution of the memo to all building departments and other interested parties.
- Opinion that the legislative process may be difficult.
- Report that rule development cannot be used to implement the desired changes because a rule cannot address an item not in statute.

- Board counsel cautioned against imposing a licensure requirement for an industry that is currently not regulated because some individuals may not meet the requirements of NFPA 780 unless they are a licensed contractor.
- Board counsel cautioned against issuing the re-draft “low-voltage memo” because the document is not legally binding.

After discussion the board elected to table the proposed amendment to 489.505(12), F. S., Definitions; pending further research, and voted to approve the proposed amendments to s. 489.505(7), F. S., Definitions; s. 489.505(28), F. S., Definitions; s. 489.513, F. S., Registration; application; requirements; s. 489.537(9), F. S., Application of this part.

MOTION: Ms. Small moved to approve the proposed amendments to s. 489.505(7), F. S., Definitions; s. 489.505(28), F. S., Definitions; s. 489.513, F. S., Registration; application; requirements; s. 489.537(9), F. S., Application of this part.

SECOND: Mr. Tibbs.

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

RULES COMMITTEE REPORT – Clarence K. Tibbs

Mr. Kiner nominated Mr. Tibbs to Chair the Rules Committee. Mr. Tibbs accepted the nomination. The board reviewed the November 2004, Rules Report prepared by Mary Ellen Clark, Esq., Highlights of the report included:

November 2004 Rules Report

Rule	Title	Published	Approved	Noticed	Adopted	Effective
61G6-5.001(5)	Definitions	12/06/02	11/17/02	01/31/03	NOC 2/14/03 JAPC Itr 2/18/03	
61G6-5.002	Application for Certification by Examination; Reexamination	8/13/04	10/06/04	11/05/04		
61G6-5.008(4)	Public Liability and Workers' Compensation Insurance	8/13/04	10/06/04	11/05/04		
61G6-6.001(4)	Certification Examination Requirements	8/13/04	10/06/04	11/05/04		
61G6-6.005	Reexamination	08/13/04	10/06/04	11/05/04		
61G6-8.001	Fees	07/16/04	10/06/04	11/05/04		
61G6-9.002	Criteria for Continuing Education for Reactivation of License	08/13/04				
61G6-9.004(6)	Continuing Education Requirements for Renewal of Certificateholders and Registrants	05/14/04 Renoticed for Rule Development 9/3/04	05/28/04	6/25/04	7/26/04 JAPC Itr 8/13/04	8/15/04

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61G6-11.001	Citations	08/13/04	10/06/04	11/05/04		
61G6-12.0015	Requirements for Burglar Alarm System Agents Identification	07/20/04	07/21/04	08/13/04	09/13/04	10/03/04
61G6-12.0016	Continuing Education Requirements for Burglar Alarm System Agents	7/2/04	7/22/04	8/13/04	09/13/04	10/03/04

The board reviewed proposed amendments to Rules 61G6-5.001(5), F. A. C., Definitions; 61G6-5.002, F. A. C., Application for Certification by Examination; Reexamination; 61G6-6.005(1), F. A. C., Reexamination; development of Rules 61G6-9.002, F. A. C., Criteria for Continuing Education for Reactivation of License; 61G6-9.004(6), F. A. C., Continuing Education Requirements for Renewal for Certificateholders and Registrants. The full text of the proposed rule amendments and developments are as follows:

61G6-5.001(5), F. A. C., Definitions

(1) through (4) No changes.

(5) "Electrical contractor or unlimited electrical contractor" means a person as defined in Section 489.505(12), F.S., whose scope of practice is not limited to a specific segment of electrical contracting. An electrical contractor or unlimited electrical contractor shall be either certified or registered. A certified electrical contractor is licensed to design electrical services less than 1000 amps, up to 600 volts maximum.

(6) through (16) No changes.

MOTION: Mr. Tibbs moved to withdraw the proposed amendment to Rule 61G6-5.001(5), F. A. C., Definitions.

SECOND: Mr. Sandefer.

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

61G6-5.002, F. A. C., Application for Certification by Examination; Reexamination.

(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. The form is entitled "Examination Application," DBPR ECLB 4451, Effective Date: November 12, 2004, and incorporated herein by reference. Applicants shall also complete the following forms: DBPR 0010, Master Individual Application, Effective Date: November 12, 2004, DBPR ECLB 4454 - Work Experience, Effective Date: November 12, 2004, DBPR 0050, Explanatory Information for Background Questions, Effective Date: November 12, 2004, DBPR 0060, General Explanatory Description, Effective

Date: November 12, 2004 and DBPR 0030-1, Attest Statement, Effective Date: November 12, 2004, incorporated herein by reference. Copies of the application and other forms required by this Rule can be obtained by contacting the Department at the following address: Electrical Contractors Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, or at: <http://www.state.fl.us/dbpr/pro/forms/elboard/index.shtml>

(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. The form is entitled "Retake Exam Application," DBPR ECLB 4457, Effective Date: November 12, 2004, and incorporated herein by reference. Copies of the application can be obtained by contacting the Department at the following address: Electrical Contractors Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, or at: <http://www.state.fl.us/dbpr/pro/forms/elboard/index.shtml>

(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 Technical/Safety examination, a retake exam application must also be 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.

MOTION: Mr. Tibbs moved to approve the proposed forms and amendments to Rule 61G6-5.002, F. A. C., Application for Certification by Examination; Reexamination.

SECOND: Mr. Mugford.

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

61G6-6.005, F. A. C., Reexamination.

(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 after the candidate was initially approved to sit for the 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 after the candidate was initially approved to sit for the examination for this application period. A retake exam application must be submitted to the Department for each attempt of the Technical/Safety portion of the examination.

However, a retake 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.

MOTION: Mr. Tibbs moved to approve the proposed amendment to Rule 61G6-6.005, F. A. C., Reexamination.

SECOND: Mr. Bellemare.

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

61G6-9.002, F. A. C., Criteria for Continuing Education for Reactivation of License

The board elected to table development of Rule 61G6-9.002, F. A. C., Criteria for Continuing Education for Reactivation of License, until the January 2005 meeting of the board. Mr. Tibbs will draft proposed rule language.

61G6-9.004(6), F. A. C., Continuing Education Requirements for Renewal for Certificateholders and Registrants.

(1) through (5) No change.

(6) A minimum of one (1)-hour 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.

MOTION: Mr. Penner moved to approve the proposed amendment to Rule 61G6-9.004(6), F. A. C., Continuing Education Requirements for Renewal for Certificateholders and Registrants.

SECOND: Mr. Sandefer.

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

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

The board reviewed the First Quarter Fiscal Year 2003-2004, Operating Account and Unlicensed Activity Account Financial Reports ending September 30, 2004 and 2003 respectively.

PROBATION COMMITTEE REPORT– Paul W. Sandefer

The Probation Committee reviewed the initial probationary quarterly reports submitted by Peter A. Langdon, in Case No.: 2003-076456, and Thomas Wynn, in Case No.: 2002-014058, and found each respondent to be in compliance with the terms of their respective probations.

UNLICENSED ACTIVITY (ULA) REPORT – Jeffrey M. Kiner, Chairman

The Committee reviewed the Electrical Contractors' Licensing Board ULA Monthly Statistical Report. Currently 53-ECLB-related unlicensed activity cases are open in OGC, Unlicensed Activities Section.

EXAMINATION COMMITTEE REPORT – Clarence K. Tibbs

The Examination Committee challenges to the July 6, 2004, ECLB Examinations. There were four candidates who challenged the examinations. None of the candidates received re-scores as a result of their respective challenges. Due to the impact of the hurricanes and the ensuing Executive Orders abrogating time requirements for petitions, one (1)-candidate from the July 6, 2004, examinations will be reviewed on October 28, 2004.

The Bureau of Education and Testing (BET) reported that Promissor will begin taking reservation for the Computer-Based Testing (CBT) Business examination in mid-January and the CBT will be available on March 1, 2005.

ENDORSEMENT COMMITTEE REPORT – Jeffrey M. Kiner, Chairman

The Endorsement Committee reviewed the Endorsement. Mr. Kiner stated that the additional information provided by Mr. Spence in the Endorsement Matrix was very helpful. The Committee discussed revising the endorsement applications and business process to include a complete Examination Evaluation Questionnaire and copy of the laws and rules from the candidate's state of licensure. Mr. Spence will draft proposed rule language for presentation at the January 2005, ECLB meeting.

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

The Application Committee reviewed 34 applications for examination, 18 for additional business entities, 30 transfers, 7 endorsements, 14 certification of a registered license (grandfathering), and 3 registration applications.

Mr. Kiner read into the record the lists of applications approved, approved contingent, tabled, and denied in all categories.

MOTION: Mr. Tibbs moved to approve the lists as read into the record.

SECOND: Mr. Mugford.

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

ADDITIONAL BUSINESS ENTITES APPROVED

- | | | | |
|----|---|-----|--|
| 1. | | | |
| 2. | Babbitt, Howard Paul
Advanced Design
Technologies, Inc. | 6. | Carratala, Israel
Advance Digital
Technicians, Inc. |
| 3. | Babbitt, Howard Paul
XS Protection | 7. | Chaney, William
Dolphin Electric, Inc. |
| 3. | Bellemare, Pierre A.
Intelitec Systems
Integration, LLC | 8. | Davis, Carl H.
Advanced Audio &
Electronics, Inc. |
| 4. | Bills, Clinton
BCI Technologies, Inc. | 9. | Henry, William E.
Sentinel Security Systems,
Inc. |
| 5. | Bourque, Gerard
HTS, Inc. | 10. | Hollenback, William J. III
Vann Data Services, Inc. |
| | | 11. | Nienaber, Thomas F.
AJS Communications, Inc. |
| | | 12. | Sandberg, James Patrick
Guardian Alarm of Florida,
LLC |
| | | 13. | Smith, Steven Lee
Joshua Creek Electric, Inc. |
| | | 14. | Thomas, Dennis W.
DEA Solutions, Inc. |
| | | 15. | Woodward, Charles Barry
Power Solutions Electric,
Inc. |

ENDORSEMENT

Burnsed, Rodney
Neal's Plumbing & Electric, Inc.

TRANSFER APPLICATIONS APPROVED

- | | | | | | |
|----|---|-----|---|-----|--|
| 1. | Andres, Stephan J.
Primevision Security
Services, LLC | | KAD Electric Company,
Inc. | 12. | Masarik, Christian J.
Bemci Electric, Inc. |
| 1. | Budd, Jeffrey V.
Scott Alarm, Inc. | 7. | Godwin, Huey J.
Wiregrass Electronics,
Inc. | 13. | McCormick, Mark
All Florida Generator
Installations, LLC |
| 2. | Buterbaugh, Ty Daniel
TDB Enterprises, Inc. | 8. | Grayford, Thomas J.
Grayford Electrical
Contracting, Inc. | 14. | Meeker, Johnny Mack
Meeker Enterprises,
Inc. |
| 3. | Collins, Michael Bruce
Southern Power
Systems, Inc. | 9. | Harrington, James E.
Floore Industrial
Contractors, Inc. | 15. | Norman, Douglas S.
Master Electrician, Inc. |
| 4. | Crawford, Gregory L.
Tribe Enterprises, Inc. | 10. | Kirkman, Richard
Kirkman Construction,
LLC | 16. | Opiela, Dennis
Teton Industrial
Construction, Inc. |
| 5. | Crowley, Corliss
Wave Electronics, Inc.
dba Ehomes | 11. | Lawson, Ryan Walker
R W Lawson, Inc. | 17. | Owen, Steven
Crouch & Western, Inc. |
| 6. | Dease, Keith A. | | | 18. | Parmer, Billy
K & D Electric |

- | | | |
|--|---|---|
| 19. Pelaez, Mauricio
Hi-Tech Security &
Communications, Inc. | 23. Snyder, Richard Alvin
BTO Construction, Inc. | 27. Welker, Kenneth Lee,
Jr.
Welker Electric, Inc. |
| 20. Potter, Charles W.
Hawk Enterprises, LLC | 24. Southard, Walter, Jr.
Home Management
Systems, LLC | 28. Wilson, Rodney
Stanley Security
Solutions, Inc. |
| 21. Reichart, Michael
Florida Safety
Contractors, Inc. | 25. Tiffany, Charles E.
Tiffany Electrical &
Remodeling, Inc. | |
| 22. Santos, Richard
Richard Santos
Enterprises, Inc. | 26. Vaughan, John
Teton Industrial
Construction, Inc. | |

CERTIFICATION OF REGISTERED LICENSE (GRANDFATHERING) APPLICATION APPROVED

- | | |
|---|---|
| 1. Burgess, Wayne
Burgess Electrical, Inc. – <i>TABLED; per s. 455.213(3), F. S., tabled pending outcome of open case number 2004-029124.</i> | 5. Liebold, Mark
Miami Cable Connections, Inc. |
| 2. Curbelo, Angel
Miami-Dade Water & Sewer Dept | 6. Lower, Rodger Dean
Consumer Electrical Services, Inc. |
| 4. Hallatt, Charles
Hallatt Electric Service, Inc. – <i>APPROVED CONTINGENT; per Rule 61G6-5.005(3), F. A. C., upon receipt from Experian or creditors that Mr. Hallet does not owe the amounts in dispute as per his 10/15/04 letter.</i> | 7. Montoya, Thomas B
Montoya Electric Service, Inc. |
| | 8. Peaden, Michael
Peaden Mechanical |
| | 9. Schaefer, William D.
Lester Electric, Inc. |
| | 10. Schatz, Robert
Schatz Electronics, Inc |

REGISTERED LICENSE

1. Cabrera, Jorge
Lighting Creations Electrical Contractors – *APPROVED CONTINGENT; per s. 489.513(3), F. S., upon supplying a correctly filled out test certification form, the one provided does not give the requested information.*
2. Hood, Charles
Buck's Electrical Contractor, LLC – *TABLED; until March 2005, meeting, applicant waived rights to agency action per s. 120.60(1), F. S.*

EXAMINATION APPLICATIONS APPROVED

Unlimited Electrical Contractor

- | | | |
|----------------------|----------------------|----------------------|
| 1. Crawford, Robert | 7. Jewell, Robert | 14. Shannon, Shane |
| 2. Emmons, Kenneth | 8. Johnson, Michael | 15. Smeerdyk, Anton |
| 3. Frazee, David W | 9. Kadel, Vernon | 16. Smith, James |
| 4. Gramlich, Gregory | 10. Martinez, Luis D | 17. Tipton, Daniel |
| 5. Harris, John C | 11. Panyan, James A | 18. Wright, Joseph C |
| 6. Huff, Carey | 12. Patri, Thomas | |
| | 13. Raines, Ronald | |

Alarm System Contractor I

- | | |
|----------------------|--------------------|
| 1. Baldauf, Donald | 3. Dunham, Stephen |
| 2. Chadwick, William | 4. Lien, Wayne |

Alarm System Contractor II

- | | |
|------------------------|------------------------|
| 1. Baum, Travis | 3. Kennedy, Daniel B |
| 2. Bo, Thomas | 4. Vera, Victor |

Residential Specialty Electrical Contractor

- | | |
|------------------|---------------------|
| 1. Fry, Daryle K | 2. Wilson, Donald B |
|------------------|---------------------|

Limited Energy System Specialty Contractor

1. Brown, James
2. Rustin, Theodore
3. Shahid, Morshed

ADDITIONAL BUSINESS ENTITES DENIED

1. Woodward, Charles Barry
Harris Manufacturing, Inc. – *DENIED; lack of financial responsibility per s. 489.521(3)(a), F. S., and Rule 61G6-5.005(2)(b)(d), (3), F. A. C.*
2. Worth, Robert C.
Safe Electrical Services, Inc. – *DENIED; financial statement is not prepared in accordance with generally accepted accounting principles per Rule 61G6-5.004(2), F. A. C., and evidence of assisting unlicensed activity in violation of 489.533(1)(j), F. S.*

ENDORSEMENTS DENIED

1. Hicks, Keith P. III
Baker Audio, Inc. – *DENIED; no proof of a substantially similar exam taken for Georgia license, per s. 489.511(6)(a), F. S.*
2. Pahos, George J.
Apollo Electric Corp – *DENIED; no proof of a substantially similar exam taken in Illinois, per s. 489.511(6)(a), F. S.*
3. Rogers, Edwin
"Individual" - *DENIED; no proof of a substantially similar exam taken in Massachusetts, per s. 489.511(6)(a), F. S.*
4. Schoolfield, Roy W. Jr.
R.W.Schoolfield Electrical Contractors, Inc. - *DENIED; no proof of a substantially similar exam taken in North Carolina, per s. 489.511(6)(a), F. S.*
5. Seyforth, Leslie V. III
Seyforth Electric - *DENIED; no proof of a substantially similar exam taken in New Jersey, per s. 489.511(6)(a), F. S.*
6. Stephenson, Robert
Faith Technologies, Inc. - *DENIED; no proof of a substantially similar exam taken in North Carolina, per s. 489.511(6)(a), F. S.*

TRANSFERS DENIED

Lambert, Raymond J.
ABC Electric Service, Inc. – *DENIED; lack of financial responsibility per s. 489.521(3)(a), F. S., and Rule 61G6-5.005(2)(a), F. A. C., financial report shows recent bankruptcy, unsatisfied state tax lien, and unsatisfied judgements.*

CERTIFICATION OF REGISTERED LICENSE DENIED

1. Burley, Lance
Burley Electrical Service, Inc – *DENIED; per s. 489.514(2)(b),(2)(c), F. S., not actively registered in Marion County after he passed his initial test, he obtained a license in Broward County through reciprocity with*

Marion County but the Marion County license appears to have never been activated; he still doesn't have 5-years experience; also, needs to explain item number 1 on the Background Information Questionnaire concerning conviction on conspiracy to manufacture marijuana in 1989 and subsequent sentence to 4-years Federal Prison Camp, 5-years probation and \$10,000.00 fine, civil rights not yet restored per s. 112.011(1)(b), F. S.

2. LeRoy, Robert S.

LeRoy Electrical Enterprises, Inc. – DENIED; does not have 5-years experience as a registered contractor per s. 489.514(2)(c), F. S.

3. Taylor, David

Ampere Electrical Contractors, Inc. – DENIED; does not have 5-years experience as a registered contractor per s. 489.514(2)(c), F. S.

11. Torres, Lorenzo

York Electrical Contractor Corp - DENIED; does not have 5-years experience as a registered contractor per s. 489.514(2)(c), F. S.

12. Villar, Michael

Michael G. Villar, LLC - DENIED; does not have 5-years experience as a registered contractor per s. 489.514(2)(c), F. S.

REGISTERED LICENSE DENIED

1. Smith, Mark

Power Solutions Electric, Inc. – DENIED; no proof of exam and application not filed timely per s. 489.513(3), F. S.; did not file application prior to the effective date of s. 489.513, F. S.

EXAMINATION CANDIDATES DENIED

Unlimited

Oster, James – DENIED; lack of experience per s. 489.511(2)(a) 3. A., in that the application does not show three (3)-years management experience in the trade.

Alarm I

Morrisette, Robert – WITHDRAWN at applicants request.

Electrical Sign Specialty Contractor

Lott, Stevin Wayne – DENIED; no experience working for a license contractor per s. 489.511(2)(e), F. S.

CONTINUING EDUCATION COMMITTEE – Pierre A. Bellemare

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

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

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

CE APPLICATIONS - CLASSROOM

- A. Landan Company – *The following applications are APPROVED CONTINGENT for all audiences pending receipt of properly notarized attest statement; notary should not be a relative of the applicant.*
 - 1. Sharpening Your People Skills
 - 2. Construction Business Management Essentials
 - 3. Workers' Compensation, Business and Safety Practices Essentials
- B. National Fire Protection Association – *The following courses are APPROVED and applicable to ALL audiences.*
 - 1. National Electrical Code
 - 2. Hazardous (Classified) Locations Essentials
 - 3. Low-Voltage Wiring Essentials
 - 4. NFPA 70E, Electrical Safety in the Workplace Essentials – *APPROVED for 7-hours technical, or 7-hours safety at the provider's discretion and applicable to all audiences.*
 - 5. NFPA 70E, Electrical Standard for Industrial Machinery - *APPROVED and applicable to ALL audiences.*
- C. Phasor Electro, Inc.
 - 1. Lighting Technology and Computer Generated Photometric Calculations
- D. Steven J. Owen (National Code Seminars)
 - 1. Introduction to the 2005 NEC - *APPROVED and applicable to ALL audiences.*
- E. EC & M Seminars
- F. 1. 2005 NEC Code Changes Conference - *APPROVED and applicable to ALL audiences.*

CE APPLICATIONS – CLASSROOM: RENEWALS

- G. Mack Group, Inc. - *The following courses are APPROVED and applicable to ALL audiences.*
 - 1. Business Killers
 - 2. Workers Compensation – How to Avoid Costly Mistakes

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

GENERAL SESSION

The board commended Gail Scott-Hill for her service to the ECLB.

MOTION: Mr. Bellemare moved that the board submit a letter of commendation on Ms. Scott-Hill's behalf and present her with a plaque honoring her service to the ECLB at the January 2005, ECLB meeting.

SECOND: Mr. Sandefer.

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

OLD BUSINESS

The board reviewed the Order Rejecting Stipulation and Offering Counter Terms in Case No.: 2002-008546, DBPR vs. Mark J. Nash; and a Request for Emergency Registration Pursuant to s. 489.523, F. S.; Alex Gomez, American Signs & Services, Inc.

Case No.: 2002-008456, DBPR vs. Mark J. Nash, first came before the board at the July 21-22, 2004, meeting. At that meeting, the board elected to reject the Settlement Stipulation proposed by the Department and offered counter-terms imposing a penalty of \$1,000.00 Administrative Fine; \$364.24 Administrative Costs; one (1)-year probation with quarterly reports; reporting of the disciplinary action to the State of Georgia Construction Industry Licensing Board, Electrical Division and allowance of fifteen (15)-days to accept the proposed Counter-Stipulation, on the charge of violating 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.

The Order Rejecting Stipulation and Offering Counter Terms was accepted by the respondent on or about July 30, 2004.

The board reviewed correspondence from Alex Gomez, President, American Signs & Services, Inc., regarding Emergency Registration pursuant to ss. 489.523, F. S.

In a letter dated November 9, 2004, Mr. Gomez wrote in part:

"...As we explained to you briefly over the phone my company has been faced with a very big problem after our electrical contractor/qualifier Mr. Richard W. Kohlmeier, Jr. died. We are not able to close out and complete some of the existing sign permits that were applied for in the various counties of Dade, Broward and Palm Beach.

We are already in the process of adding Mr. Thomas J. Iglesias, EC #0001652, as our new qualifier...However, in the meantime I need the Board of Electrical Contractors to please appoint myself, Alex Gomez, the President of American Signs & Services, Inc., as acting official to be able to complete and close out the remaining of the permits that were issued under Mr. Kohlmeier's license..."

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

MOTION: Mr. Tibbs moved to invoke s. 489.523, F.S., granting an Emergency Registration to Alex Gomez, American Signs & Services, Inc.

SECOND: Mr. Mugford.

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

NEW BUSINESS

No report.

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

Ms. Clark reported to board a letter to Adam R. Alae, Foley & Lardner, LLP, concerning Mr. Alae's correspondence dated October 25, 2004, wherein he appears to request a Petition For Declaratory Statement regarding individuals holding water well contracting licenses pursuant to Chapter 373, F. S., concerning what other professional licenses, if any, would be required for such individual to serve as the "prime/general contractor" on a given project wherein some of the work required includes but is not limited to provision and installation of pressure transmitting devices, high and low level alarms and switches, electrical connections (service and control) to devices and pumps including conduit, termination and connections at an existing water treatment plant; and can a Water Well Contractor serve as a General Contractor and properly subcontract with Specialty Contractors holding applicable trade licenses issued pursuant to Chapter 489, F. S., if the Water Well Contractor does not hold a General Contractor's license under Chapter 489, Part I, F. S.

Ms. Clark advised Mr. Alae, that in order for the ECLB to address his inquiry in a formal, legally binding fashion, he would need to submit his question in the form of a Petition for Declaratory Statement as established by s. 120.565, F. S., and meeting the requirements set forth in Chapter 28-105, F. A. C.

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

Mr. Knap presented the ECLB Performance Standards Report for Fiscal Year 2004-2005, as of November 18, 2004; and reported on the close out of grandfathering applications pursuant to s. 489.514, F. S., which expired November 1, 2004. Highlights of the report included:

- ◆ Mr. Knap reported there are currently hundreds of applications pending, many of which are incomplete and discussions regarding how to expedite the processing of the outstanding applications were ongoing with the CIU/Application Unit.
- ◆ An average of 23-days for Complaint Analysis to generate a Field Investigation.
- ◆ An average of 60-days for Complaint Analysis to generate an Administrative Closure.
- ◆ An average of 195-days to Conduct an Investigation.
- ◆ An average of 206-days from receipt of Complaint to legal Prosecution.
- ◆ No data on average time to process non-deficient license applications.
- ◆ No data on average time to process non-deficient examination applications.
- ◆ No data on average time to process license applications reconsiderations.
- ◆ No data on average time to process examination applications reconsiderations.
- ◆ No data on average time to process incomplete grandfathering applications on file.
- ◆ A total of 2070 calls received in the Department concerning the ECLB.
- ◆ A total of 62 calls transferred to the ECLB board office for resolution.

CHAIRPERSON'S REPORT - Jeffrey M. Kiner, Chairman

Mr. Kiner asked staff and counsel to work with Mr. Tibbs in reviewing and drafting proposed rule language regarding notification of qualifying agent's status within thirty (30)-days, following termination of the qualifying status.

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

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