

**MINUTES FROM THE  
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING  
Hilton Tampa Airport Westshore  
2225 North Lois Avenue  
Tampa, FL 33607  
PH: 813-877-6688  
March 16, 17 & 18, 2011**

The Board meeting was called to order by Chairman Brian Flaherty at 8:30 a.m.

**PLEDGE OF ALLEGIANCE  
INVOCATION**

**ROLL CALL**

**Members Present**

Brian Flaherty (Chairman)  
Kenneth Hoffmann (Vice-Chairman)  
Noel Thomas  
Clarence K. Tibbs  
Robert Bramlett  
Paul Sandefer  
David Botknecht (present until 2:00 p.m. on 3/17)  
Bradley Giles (arrived just after roll call)  
Benjamin Smith  
Timothy Chinchor

**Members Absent**

David Botknecht (3/18/2011) - excused

**Others Present**

Juanita Chastain, Executive Director  
Ruthanne Christie, Government Analyst II  
Deborah Loucks, Esq., Assistant Attorney General  
LeChea Parson, Esq., Assistant General Counsel  
Court Reporter – Argus Reporting d/b/a Bay Park Reporting, Inc. (813-490-0003)

**Approval of the Agenda**

**MOTION:** Mr. Sandefer made a motion to approve the agenda.

**SECOND:** Mr. Thomas.

Motion passed unanimously.

**Disciplinary Cases – LeChea Parson, Assistant General Counsel**

**Cavender, Jerry**  
**Customize Electric Inc d/b/a Gulf Power and Electrical Service**  
**EC13002726**  
**2010-002706**  
**Recused: Thomas, Bramlett, Tibbs**

Mr. Cavender was present and sworn in by the court reporter.

Mr. Cavender was charged with a violation of 489.533(1)(m)4, F.S., failing to pay a civil judgment.

**MOTION:** Mr. Sandefer made a motion to accept the stipulation imposing a fine of \$1,500 and \$449.57 in costs and 1 year probation.

**SECOND:** Mr. Hoffmann.

Motion passed unanimously.

**Pembroke, Charles**  
**Pembroke Electric, Inc.**  
**EC13003036**  
**2009-055524**  
**Recused: Thomas, Bramlett, Tibbs**

Mr. Pembroke was present with counsel Brent Kimball, Esq.

Mr. Pembroke was charged with a violation of 489.533(1)(j), F.S., aiding and abetting an unlicensed contractor.

**MOTION:** Mr. Hoffmann made a motion to accept the stipulation imposing a fine of \$1,500 and \$220.11 in costs and 1 year probation.

**SECOND:** Mr. Sandefer.

Motion passed 6 in favor, 1 opposed (Mr. Flaherty).

**Salas, Luis**  
**MJ Electric Corp.**  
**EC3163**  
**2009-065537**  
**Recused: Thomas, Bramlett, Tibbs**

Mr. Salas was not present nor represented by counsel.

Mr. Salas was charged with a violation of 489.533(1)(e), F.S., making or filing a false report, 489.533 (1)(f), F.S. committing negligence, fraud or deceit and 489.533(1)(i) violating building codes or laws of a municipality.

**MOTION:** Mr. Sandefer made a motion to reject the stipulation and make a counter offer of \$8,500 fine, costs of 385.66 and probation.

**SECOND:** Mr. Giles.

Motion passed unanimously.

**Allen, Charles**

**ET11000609**

**2007-017546**

**Recused: Tibbs & Thomas**

Mr. Allen was not present nor represented by counsel.

Mr. Allen was charged with a violation of 489.533(1)(m), F.S., committing financial mismanagement.

**MOTION:** Mr. Flaherty made a motion the respondent was properly served and waived his right to hearing.

**SECOND:** Mr. Sandefer.

Motion passed unanimously.

**MOTION:** Mr. Sandefer made a motion to accept the findings of facts and conclusions of law as stated in the administrative complaint as those of the Board.

**SECOND:** Mr. Hoffmann.

Motion passed unanimously.

**MOTION:** Mr. Sandefer made a motion to impose a fine of \$3,000, costs of \$334.06, restitution and suspension of license until the respondent satisfies all terms and appears before the Board.

**SECOND:** Mr. Giles.

Motion passed unanimously.

**Curtis, Jeffrey**

**Design Electric Company**

**ER0014224**

**2009-035717**

**Recused: Bramlett, Tibbs**

Mr. Curtis was not present nor represented by counsel. He submitted a request for a continuance.

**MOTION:** Mr. Hoffmann made a motion to grant the continuance.

**SECOND:** Mr. Sandefer.

Motion passed unanimously.

**Fiedler, Mary**  
**Murdock Electric Corp.**  
**EC13001302**  
**2009-060862**  
**Recused: Thomas, Bramlett, Tibbs**

Ms. Fiedler was present and sworn in by the court reporter, John Marr was also present and sworn in.

Ms. Fiedler was charged with a violation of 489.533(1)(j), F.S., aiding and abetting an unlicensed contractor.

**MOTION:** Mr. Hoffmann made a motion to accept the findings of facts as stated in the administrative complaint as those of the Board.

**SECOND:** Mr. Chinchor.

Motion passed unanimously.

**MOTION:** Mr. Hoffmann made a motion to accept conclusions of law as stated in the administrative complaint as those of the Board.

**SECOND:** Mr. Botknecht.

Motion passed unanimously.

**MOTION:** Mr. Hoffmann made a motion to impose a fine of \$100, costs of \$333.08.

**SECOND:** Mr. Smith.

Motion passed 5 in favor 2 opposed (Mr. Flaherty & Mr. Giles).

**Harden, Willie**  
**Harden Electric**  
**ER3733**  
**2009-051572**  
**Recused: Bramlett, Tibbs**

Mr. Harden was not present nor represented by counsel. Mr. Harden was charged with a violation of 489.533(1)(m)4, F.S. failure to pay a civil judgment.

**MOTION:** Mr. Sandefer made a motion to accept the findings of facts and conclusions of law as stated in the administrative complaint as those of the Board.

**SECOND:** Mr. Smith.

Motion passed unanimously.

**MOTION:** Mr. Sandefer made a motion to impose suspension of license until civil judgment is paid, a fine of \$1,000, costs of \$260.49 and require appearance before the Board before reinstatement of license.

**SECOND:** Mr. Botknecht.  
Motion passed unanimously.

**Istvan Petrics**  
**Mid-Atlantic Enterprises**  
**EC0002059**  
**2009-0299, 2009-028069**  
**Recused: Bramlett & Tibbs**

Mr. Petrics was not present nor represented by counsel. Mr. Petrics was charged with a violation of 489.533(1)(j), F.S., aiding and abetting an unlicensed contractor and 489.533(1)(o), F.S. failure to comply with provisions of 489 part II, F.S.

**MOTION:** Mr. Sandefer made a motion to accept the findings of facts and conclusions of law as stated in the administrative complaint as those of the Board.

**SECOND:** Mr. Hoffmann.  
Motion passed unanimously.

**MOTION:** Mr. Hoffmann made a motion to impose revocation of license, a fine of \$6,000 and costs of \$723.28.

**SECOND:** Mr. Smith.  
Motion passed unanimously.

**Uffelman, Mark**  
**Certified Technical Services Inc.**  
**EC13003791**  
**2009-049630**  
**Recused: Thomas, Bramlett, Tibbs**

Mr. Uffelman was not present nor represented by counsel. He submitted a request for a continuance.

**MOTION:** Mr. Hoffmann made a motion to grant the continuance.

**SECOND:** Mr. Sandefer.  
Motion passed unanimously.

**Cooper, Jimmy**  
**Genesis Electronic Co.**  
**EF0000794**  
**2010-020496**  
**Recused: Tibbs, Thomas, Bramlett**

Mr. Cooper was not present nor represented by counsel.

**MOTION:** Mr. Sandefer made a motion the respondent was properly served and waived his right to hearing.

**SECOND:** Mr. Giles.

Motion passed unanimously.

**MOTION:** Mr. Sandefer made a motion to accept the findings of facts and conclusions of law as stated in the administrative complaint as those of the Board.

**SECOND:** Mr. Giles.

Motion passed unanimously.

**MOTION:** Mr. Hoffmann made a motion to impose revocation of license, a fine of \$5,000 and costs of \$63.81.

**SECOND:** Mr. Giles.

Motion passed unanimously.

**Crowder, David**

**David P. Crowder Electric, Inc.**

**ER2091**

**2009-051599**

**Recused: Bramlett, Tibbs**

Mr. Crowder was present and sworn in by the court reporter. Mr. Crowder was charged with a violation of 489.533(1)(m)4, F.S. failure to pay a civil judgment.

**MOTION:** Mr. Sandefer made a motion the respondent was properly served and waived his right to hearing.

**SECOND:** Mr. Giles.

Motion passed unanimously.

**MOTION:** Mr. Sandefer made a motion to accept the findings of facts and conclusions of law as stated in the administrative complaint as those of the Board.

**SECOND:** Mr. Giles.

Motion passed unanimously.

**MOTION:** Mr. Sandefer made a motion to impose a fine of \$500 citing health issues as a mitigating factor and costs of \$512.71 and probation until judgment is satisfied requiring annual report to the Board of the status of his payment plan.

**SECOND:** Mr. Hoffmann.

Motion passed unanimously.

**Lee, Spencer**

**Electric Lee Inc.**

**ER13013261**

**2010-019769**

**Recused: Tibbs, Thomas, Bramlett**

Mr. Lee was not present nor represented by counsel.

**MOTION:** Mr. Sandefer made a motion the respondent was properly served and waived his right to hearing.

**SECOND:** Mr. Giles.

Motion passed unanimously.

**MOTION:** Mr. Sandefer made a motion to accept the findings of facts and conclusions of law as stated in the administrative complaint as those of the Board.

**SECOND:** Mr. Giles.

Motion passed unanimously.

**MOTION:** Mr. Sandefer made a motion to impose revocation of license, a fine of \$5,000 and costs of \$348.97.

**SECOND:** Mr. Chinchor.

Motion passed unanimously.

**Clark, Steven**

**E.A.S. Industries, Inc. d/b/a A.B. Fire Systems**

**EF1255**

**2008-020986**

**Recused: Bramlett, Tibbs**

Mr. Clark was present and sworn in by the court reporter. Mr. Clark was charged with violation of 489.533(1)(m), F.S. committing financial mismanagement or misconduct and 489.533(1)(f), F.S. committing fraud, deceit or negligence.

The Chairman read a description of the proceedings for a recommended order.

**MOTION:** Mr. Sandefer made a motion to accept the Administrative Law Judge's findings of facts as those of the Board.

**SECOND:** Mr. Giles.

Motion passed unanimously.

**MOTION:** Mr. Sandefer made a motion to accept the Administrative Law Judge's findings conclusions of law as those of the Board.

**SECOND:** Mr. Chinchor.

Motion passed unanimously.

**MOTION:** Mr. Sandefer made a motion to accept the Administrative Law Judge's recommendation and dismiss the Administrative Complaint.

**SECOND:** Mr. Chinchor.

Motion passed unanimously.

**Flohr, Charles**  
**Thomas Electrical Services & Repairs**  
**ER13014127**  
**2010-017584**  
**Recused: Thomas, Bramlett, Tibbs**

Mr. Flohr was not present nor represented by counsel.

Mr. Flohr was charged with a violation of 489.533(1)(o), F.S., failing to comply with provisions of statute or rule by failing to maintain worker's compensation or an exemption and , 489.533 (1)(m)2, F.S. committing financial mismanagement or misconduct.

**MOTION:** Mr. Sandefer made a motion to reject the stipulation.

**SECOND:** Mr. Chinchor.

Motion passed unanimously.

**MOTION:** Mr. Giles made a motion to impose a fine of \$500 (citing mitigating factor of respondent's father's death) and costs of \$245.46 and restitution of \$1,050 and probation until all terms are satisfied.

**SECOND:** Mr. Botknecht.

Motion passed unanimously.

### **APPLICATION REVIEW –Brian Flaherty, Chairman**

Additional Business Applications

See exhibit A for a list of applicants that were present during this portion of the meeting:

The Court Reporter swore in, as a group, the applicants and those persons providing testimony on behalf of the 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. Hoffmann asked of the second business applicants collectively as a group:

~ *“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.



**PETITIONS FOR DECLARATORY STATEMENT, Deborah Loucks, Esq., Assistant Attorney General**

**Verizon Online LLC** –re: 489.505(25) & 489.518, F.S. and call center employees.  
Verizon was represented by Brendan Pinkard, Esq.

**MOTION:** Mr. Tibbs made a motion to allow Mr. Pinkard to serve as a qualified representative.

**SECOND:** Mr. Sandefer.

Motion passed unanimously.

**MOTION:** Mr. Tibbs made a motion to answer the petition stating that call center agents do not require BASA certification for the duties described in the petition.

**SECOND:** Mr. Sandefer.

Motion passed unanimously.

**HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT –  
Deborah Loucks, Assistant Attorney General**

**Steven Carter**

**Application Denial**

Mr. Carter was present and sworn in by the court reporter.

**MOTION:** Mr. Sandefer made a motion to reverse the denial and approve the application.

**SECOND:** Mr. Tibbs.

Motion passed 8 in favor, 1 opposed (Flaherty).

**Jeff Cooper**

**Application Denial**

Mr. Cooper was present and sworn in by the court reporter.

**MOTION:** Mr. Tibbs made a motion to reverse the denial and approve the application.

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

**Joel Henry**

**Application Denial**

Mr. Henry was present and sworn in by the court reporter.

**MOTION:** Mr. Hoffmann made a motion to reverse the denial and approve the application contingent on proof of \$10,000 cash in bank.

**SECOND:** Mr. Tibbs.

Motion passed unanimously.

**Scott Holliday**

**Application Denial**

Mr. Holliday was present and sworn in by the court reporter.  
He requested to change his application to inactive status.

**MOTION:** Mr. Hoffmann made a motion to reverse the denial and approve the application to inactive status, noting - activation will require an appearance before the Board.

**SECOND:** Mr. Chinchor.

Motion passed unanimously.

**James McDonald**

**Application Denial**

Mr. McDonald was present and sworn in by the court reporter.

**MOTION:** Mr. Tibbs made a motion to reverse the denial and approve the application.

**SECOND:** Mr. Giles.

Motion passed unanimously.

**Thomas Parrish**

**Application Denial**

Mr. Parrish was present and sworn in by the court reporter.

**MOTION:** Mr. Tibbs made a motion to reverse the denial and approve the application.

**SECOND:** Mr. Sandefer.

Motion passed unanimously.

**Jagdish Upadhyay**

**Application Denial**

Mr. Upadhyay was present and sworn in by the court reporter.

**MOTION:** Mr. Hoffmann made a motion to reverse the denial and approve the application.

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

**Scott Lochhead**

**Application Denial**

Mr. Lochhead was present and sworn in by the court reporter.

**MOTION:** Mr. Sandefer made a motion to reverse the denial and approve the application.

**SECOND:** Mr. Tibbs.

Motion passed unanimously.

**Raul Fernandez**

**Application Denial**

Mr. Fernandez was present and sworn in by the court reporter.

**MOTION:** Mr. Sandefer made a motion to reverse the denial and approve the application.

**SECOND:** Mr. Tibbs.

Motion passed unanimously.

**Leonard Kasper**

**Application Denial**

Mr. Kasper was present and sworn in by the court reporter.

**MOTION:** Mr. Tibbs made a motion to uphold the denial.

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

**Denis Meli**

**Application Denial**

Mr. Meli was present and sworn in by the court reporter.

**MOTION:** Mr. Tibbs made a motion to reverse the denial and approve the application.

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

**Dale Cicerelli**

**Application Denial**

Mr. Cicerelli was present and sworn in by the court reporter.

**MOTION:** Mr. Hoffmann made a motion to reverse the denial and approve the application.

**SECOND:** Mr. Tibbs.

Motion passed unanimously.

## **RECONSIDERATIONS – Deborah Loucks, Assistant Attorney General**

**Virgil Bramlet**

**Application Denial**

Mr. Bramlet was present with counsel Drew Winters, Esq.

**MOTION:** Mr. Hoffmann made a motion to reverse the denial and approve the application.

**SECOND:** Mr. Tibbs.

Motion passed unanimously.

**Richard Owens**

**Application Denial**

Mr. Owens was present with counsel Drew Winters, Esq.

**MOTION:** Mr. Sandefer made a motion to reverse the denial and approve the application.

**SECOND:** Mr. Smith.

Motion passed, 6 in favor 3 opposed (Flaherty, Bramlett, Chinchor).

**Mike Holt Enterprises  
Application Denial**

Ms. Holt was not present nor represented by counsel.

**MOTION:** Mr. Bramlett made a motion to approve the course for 14 hrs of credit.

**SECOND:** Mr. Tibbs.

Motion passed unanimously (Hoffmann recused).

**Joel Horton  
Application Denial Requesting Withdrawal**

Mr. Horton was not present nor represented by counsel.

**MOTION:** Mr. Bramlett made a motion to rescind the denial and accept the withdrawal.

**SECOND:** Mr. Hoffmann.

Motion passed unanimously.

**Thomas Botlick – Cases 2009-025902 & 2009-025940  
Disciplinary Final Order**

Mr. Botlick was present with counsel Diane Perera, Esq.

**MOTION:** Mr. Hoffmann made a motion to vacate the previous order and accept the settlement stipulation.

**SECOND:** Mr. Flaherty.

Motion passed 4 in favor, 2 opposed (Giles, Sandefer).

**Requests for Reinstatement of Null & Void License, Deborah Loucks, Esq., Assistant Attorney General**

**Kevin Burns – EF000338**

Mr. Burns was not present nor represented by counsel.

**MOTION:** Mr. Hoffmann made a motion to deny the request for reinstatement.

**SECOND:** Mr. Tibbs.

Motion passed unanimously.

**Antonio Rodriguez – EF20000586**

Mr. Rodriguez was present and sworn in by the court reporter.

**MOTION:** Mr. Tibbs made a motion to reinstate the license to inactive status and charge the fee of \$500.

**SECOND:** Mr. Hoffmann.

Motion passed unanimously.

## LEGISLATIVE REPORT

Nothing reported.

## RULES REPORT – Clarence K. Tibbs

**MOTION:** Mr. Hoffmann made a motion to unsuspend the rule making process.

**SECOND:** Mr. Thomas.

Motion passed unanimously.

Ms. Loucks provided the members with a packet containing draft language for the following rules:

Rule 61G6-5.002, Application for certification by Examination, Reexamination, FAC. , 61G6-5.003, Requirement for Certification, FAC., 61G6-5.004, Requirement for Business Organization, FAC., 61G6-7.001, Specialty Electrical Contractors, FAC, 61G6-9.006, Approval of Continuing Education Courses, FAC, 61G6-10.0065, Reinstatement of Null and Void License, FAC, 61G6-12.001, Requirements for Burglar Alarm System Agent Training Course, FAC, 61G6-12.002, Requirements for Burglar Alarm System Agent Training Course, FAC.

**MOTION:** Mr. Hoffmann made a motion to approve the changes to the rules provided in the packet as well as 61G6-10.0065, F.A.C. and begin development.

**SECOND:** Mr. Tibbs.

Motion passed unanimously.

**MOTION:** Mr. Tibbs made a motion that none of the rules required a Statement of Estimated Regulatory Costs (SERC) as the changes neither had an adverse impact on small business nor be likely to increase regulatory costs in excess of \$200,000 in the aggregate within one year.

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

The draft language of each rule presented is below:

### 61G6-5.002 Application for Certification by Examination; Reexamination.

- (+) An applicant for certification by examination or by endorsement shall submit ~~a the~~ complete application on the form prescribed by the Department of Business and Professional Regulation 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 submitted to the Department and accompanied by the appropriate 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. 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: August 13, 2008, and incorporated herein by reference. Applicants shall also complete the following forms: DBPR-0010, Master Individual Application, Revised May 2010, 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 Information, Effective Date: November 12, 2004 and DBPR 0030-1, Attest Statement,~~

Electrical Contractors' Licensing Board  
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**61G6-5.003 Requirements for Certification.**

(1) Any person desiring certification by examination or applying for certification by endorsement pursuant to Section 489.511(5)(a), F.S., must establish that he or she meets eligibility requirements according to one of the following criteria:

(a) Has, within the 6 years immediately preceding the filing of the application, at least 3 years' proven management experience in the trade or education equivalent thereto, or a combination thereof, but not more than one-half of such experience may be educational equivalent.

1. An applicant for certification who is a recipient of a degree in engineering or related field from an accredited four-year college or university may substitute his or her educational background for 1 year of experience in the trade as an electrical contractor or an alarm contractor, provided that the applicant causes the college or university he or she attended to forward a copy of his or her transcript to the Department.

2. The experience required must include:

- a. For an electrical contractor, at least 40% of work that is 3-phase service;
- b. For an alarm contractor I, at least 40% of work that is in commercial fire alarm systems;
- c. For an alarm contractor II, at least 40% of work in alarm systems other than fire alarm systems.

(b) Has, within the 8 years immediately preceding the filing of the application, at least 4 years' experience as a foreman, supervisor, or contractor in the trade for which he or she is making application. The experience must include:

1. For an electrical contractor, at least 40% of work that is 3-phase service;
2. For an alarm contractor I, at least 40% of work that is in fire alarm systems;
3. For an alarm contractor II, at least 40% of work in alarm systems other than fire alarm systems.

(c) Has, within 12 years immediately preceding the filing of the application, at least 6 years of comprehensive training, technical education, or broad experience associated with an electrical or an alarm system installation or servicing endeavor. The experience required must include:

1. For an electrical contractor, at least 40% of work that is 3-phase service;
2. For an alarm contractor I, at least 40% of work that is in fire alarm systems;
3. Alarm contractor II, at least 40% of work in alarm systems other than fire alarm systems.

(d) Has been licensed for 3 years as an engineer within the preceding 12 years.

(2) Every applicant must submit:

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

(b) A credit report on the applicant from any recognized credit bureau which includes but is not limited to liens, judgments, suits and bankruptcy obtained from the county, state and federal records. The credit report must be dated within 12 months of the date of filing the application. Reports which are limited to only information that has been obtained from the applicant or past and present employers are not acceptable.

(3) All applicants attempting to demonstrate qualification by experience pursuant to Section 489.511(2)(a)3.a., b., c., F.S., must forward the following to the Board:

(a) A complete list of contracts by the applicant underway at the time of filing, along with a representative list of electrical contracts or alarm contracts, as applicable, completed in the requisite number of years preceding the date of application pursuant to the applicable part of the statute noted above. The list shall include the description of each job, location, owner, architect or engineer, and general contractor.

(b) Statements prepared and signed in the presence of a notary by some person or persons other than the applicant for examination listing chronologically the active experience of the applicant for examination in the trade, including the name and address of employers, and dates of employment along with copies of W-2 forms.

(4) A credit report on the qualifying agent from any recognized credit bureau which includes but is not limited to liens, judgments, suits and bankruptcy obtained from county, state and federal records. The credit report must be dated within twelve (12) months of the date of filing the application. Reports which are limited to only information that has been obtained from the qualifying agent or past and present employers are not acceptable.

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Rulemaking Authority 489.507(3) FS. Law Implemented 489.505(12), (21), (22), 489.511(2), 489.521 FS. History--New 1-2-80, Amended 4-17-80, 10-4-84, Formerly 21GG-5.03, Amended 12-24-87, 7-9-89, 3-13-90, 11-26-90, 7-8-91, Formerly 21GG-5.003, Amended 3-20-94, 11-30-94, 7-13-95, 1-18-96, 9-22-97, 10-1-03, 12-6-10.

**61G6-5.004 Requirement for Business Organizations.**

In order that the Board may carry out its statutory duty to investigate the financial responsibility, credit, and business reputation of an applicant proposing to engage in contracting as a partnership, corporation, business trust, or other legal entity other than a sole proprietorship, an applicant shall be required to forward the following to the Department for review by the Board:

~~(1) A statement signed and sealed by an officer of a surety company licensed to do business in Florida, certifying that the company would issue a performance or payment bond in an amount of at least \$10,000.00 to an applicant for a specialty certification and in an amount of at least \$25,000.00 to an applicant for unlimited electrical or alarm certification at the time of application. However, an applicant may substitute an Unexpired Irrevocable Letter of Credit from a responsible financial institution in an amount of at least \$10,000.00 or \$25,000.00 respectively, in lieu of this requirement.~~

~~(1)~~ (2) A comprehensive financial statement reflecting the financial condition of the business organization in its previous fiscal year; provided, however, that the statement be prepared within 12 months of the date of filing of the application. The financial statement shall be prepared in accordance with generally accepted accounting principles, as defined by Rule 61H1-20.007, F.A.C. (February, 2004). The financial statement must indicate a minimum net worth as indicated below for the following categories:

- |   |          |
|---|----------|
| (a) Unlimited electrical and alarm contractor | \$10,000 |
| (b) Specialty Contractor                      | \$5,000  |

~~(2)~~ (3) A report on the business organization from any recognized credit bureau which includes but is not limited to credit history, ability to be bonded, liens, judgments, suits, bankruptcy, and assignment of receivers obtained from county, state and federal records. The credit report must be dated within twelve (12) months of the date of filing the application.

~~(3)~~ (4) Answers to the following questionnaire on the application:

**BUSINESS ORGANIZATION FINANCIAL RESPONSIBILITY QUESTIONNAIRE – HAS ANY PARTNER, OFFICER, DIRECTOR, OR TRUSTEE OF THE BUSINESS ORGANIZATION EVER:**

- (a) Undertaken construction contracts or work that a bonding or surety company completed or made financial settlement on your behalf? \_\_\_ Yes \_\_\_ No
- (b) Had claims or lawsuits filed for unpaid or pastdue accounts by your creditors? \_\_\_ Yes \_\_\_ No
- (c) Undertaken construction contracts or work which resulted in liens, suits or judgments being filed against you? \_\_\_ Yes \_\_\_ No
- (d) Had a lien of record filed against you by the U.S. Internal Revenue Service or Florida Corporate Tax Division? \_\_\_ Yes \_\_\_ No
- (e) Made an assignment of assets in settlement of construction obligations for less than the debts outstanding? \_\_\_ Yes \_\_\_ No
- (f) Filed for bankruptcy voluntarily or involuntarily? \_\_\_ Yes \_\_\_ No
- (g) Been charged with acting as a contractor without a license? \_\_\_ Yes \_\_\_ No
- (h) Been convicted, entered a plea or found guilty or entered a plea of nolo contendere (regardless of adjudication) or any crime (other than a traffic violation)? \_\_\_ Yes \_\_\_ No

(i) I WILL NOTIFY THE ELECTRICAL CONTRACTORS' LICENSING BOARD IN WRITING, WITHIN TEN (10) DAYS, UPON ANY CHANGE OF THE ABOVE LISTED ANSWERS TO THE FINANCIAL RESPONSIBILITY QUESTIONNAIRE OF THIS APPLICATION.

SIGNATURE OF QUALIFYING AGENT:

DATE: \_\_\_\_\_

SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

IF YOU ANSWERED YES TO ANY QUESTIONS (A-H) ABOVE, ATTACH COMPLETE EXPLANATION FOR

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EACH YES ANSWER.

(4) ~~(5)~~ For purposes of complying with Section 489.522(2)(c), F.S., a primary qualifying agent shall submit a notarized letter from a bank official concerning check writing authority or chief financial officer to demonstrate the applicant has authority for approving checks, payments, drafts and contracts on behalf of the business organization.

*Specific Authority 489.507(3), 489.515(1), 489.521 FS. Law Implemented 489.515(1), 489.521, 489.522 FS. History--New 1-20-80, Amended 4-17-80, 4-30-81, 1-11-84, Formerly 21GG-5.04, Amended 2-3-86, 11-23-86, 8-27-87, 12-24-87, 11-26-90, 7-8-91, Formerly 21GG-5.004, Amended 3-20-94, 11-30-94, 5-2-96, 2-13-97, 11-23-97, 4-14-98, 4-12-04.*

**61G6-7.001 Specialty Electrical Contractors.**

The following types of specialty electrical contractors may apply to be certified under the provisions of Part II, Chapter 489, F.S., and Chapter 61G6-5, F.A.C., above. In order to be admitted to a specialty contractor examination, the person must show 6 years of comprehensive training, technical education, or broad experience on the type of electrical or alarm system work for which certification is desired.

(1) Lighting Maintenance Specialty Electrical Contractor. The scope of certification of a lighting maintenance specialty contractor is limited to the installation, repair, alteration, or replacement of lighting fixtures in or on buildings, signs, billboards, roadways, streets, parking lots and other similar structures. However, the scope of the certification does not include the provision of, or work beyond, the last electrical supplying source, outlet, or disconnecting means.

(2) Sign Specialty Electrical Contractor. The scope of certification includes the structural fabrication including concrete foundation, erection, installation, alteration, repair, service and wiring of electrical signs and outline lighting. The scope of certification shall not include the provision of, or any electrical work beyond, the last disconnect mean or terminal points. However, a contractor certified under this section may provide the electrical entrance requirements for metering and main disconnect of remote billboards or signs which are independent of any structure or building and which require no more than twenty-five (25) kilowatts at two hundred fifty (250) volts maximum.

(3) Residential Electrical Contractor. The scope of certification includes installation, repair, alteration, addition to, replacement of or design of electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, in a 1, 2, 3, or 4 family residence not exceeding 2 stories in height, and accessory use structures in connection with the residence. The electrical service installed or worked upon is limited to single phase, 400 ampere single service.

(4) Limited Energy Systems Specialty. The scope of certification of a limited energy systems specialty contractor includes the installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, and fiber optics (transmission of light over stranded glass) or any part thereof not to exceed 98 volts (RMS). The scope of work of this license does not include installation, repair, fabrication, erection, alteration, addition to, or design of electrical wiring, fixtures, appliances, thermostats, apparatus, raceways, conduit, that are part of an alarm system. ~~when those items are for the purpose of transmitting data, proprietary video (satellite systems which are not part of a community antenna television, cable television, or radio distribution system), radio frequency, central vacuum, or electric locks, data distribution networks, home theater systems, surround sound systems, public address systems or telephone systems.~~

(a) The scope of certification is limited to electrical circuits and equipment as set forth in Section 489.505(7), F.S. governed by the applicable provisions of Articles 725 (Class 2 and 3 circuits only), 770, 800, 810, and 820 of the National Electrical Code, 1984 Edition, or 47 C.F.R. Part 68.

(b) The scope of certification shall not include work performed by public utilities exempt under the terms of Section 489.503(4), F.S., or exempt due to the regulatory jurisdiction of the Florida Public Service Commission.

(c) The scope of work of this license may also be performed by the following certified and registered license categories: Unlimited Electrical Contractor, Alarm System Contractor I, Alarm System Contractor II, and Residential Electrical Contractor.

(5) Utility Line Electrical Contractor. The scope of certification of a utility line electrical contractor means a utility contractor whose business includes all types of transmission electrical circuits, distribution electrical circuits, and substation



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construction done for investor owned electrical utilities, city municipal electrical utilities, and cooperatives under the rural electric authority between point of origin and point of delivery.

*Specific Authority 489.511(5) FS. Law Implemented 489.503(14), 489.505(19), 489.511(5) FS. History—New 1-2-80, Amended 7-29-84, 10-14-84, Formerly 21GG-7.01, Amended 2-23-86, 12-24-87, 6-21-89, 3-3-92, Formerly 21GG-7.001, Amended 1-28-96, 12-25-96, 6-11-97, 12-24-97, 7-19-98, 10-7-99, 2-17-00, 4-30-01, 4-30-03, 9-16-07, 12-2-08.*

**61G6-9.006 Approval of Continuing Education Courses.**

(1)(a) Any registered course provider may submit an application, on a form provided by the Department, for approval of a continuing education course. ~~ECLB Continuing Education Course Approval Application, Form No. BRP/ECLB/CONT.ED.COURSE.APP/REV/4/2001 adopted and incorporated herein by reference. Copies of which may be obtained from the Board office. shall be provided upon request to the Board.~~

(b) Those courses offered by a university or college which is regionally accredited by an accrediting agency recognized by the United States Department of Education (USDOE); and which university or college offers courses in the contracting areas specified in Part II, Chapter 489, F.S., and pursuant to Rule Chapter 61G6-9, F.A.C., shall be approved upon receipt of a completed course application and the Board shall not charge a fee for such approval.

(2) Upon receipt of a course application and the appropriate fee, the Board shall approve any, seminar or conference in the electrical or alarm system contracting area provided by any university, community college, vocational-technical center, public or private school, firm, association, organization, person, corporation, or entity which meets the criteria provided in this rule.

(3) Any course approved for the continuing education requirements for persons certified under Chapter 468, Part XII, F.S., shall be accepted for continuing education for renewal under this rule, for persons who are certified under Part XII and who are certified or registered under this part.

(4) The application shall include the total number of classroom hours, the course syllabus, a detailed outline of the contents of the course, the name and qualifications of all instructors known at the time of the application and the minimum qualifications of any instructors not known at the time of application.

(5) The Board shall approve continuing education courses which appropriately relate to the general business skills or the technical skills required of certificateholders or registrants, and which is taught by qualified instructors.

(6) A continuing education course which addresses specific technical materials or trade knowledge shall be approved if applicable to a specific category or categories of contractor as defined in Section 489.505, F.S.

(7) Continuing education course approval is valid until May 31st of odd numbered years, provided no substantial change is made in the course.

(8) The Board shall approve or deny any application for a continuing education course at the next regularly scheduled Board meeting, provided the application is filed with the agency within forty five (45) days of that meeting. If the application is denied, the Board shall identify the specific reasons for the denial in writing.

(9) A course which has been denied may be resubmitted to the Board with modifications.

(10) The Board shall not deny nor withdraw approval for any course on the basis that another course provider is conducting the same or similar course approved by the Board.

(11) Of the required 14 continuing education hours, a licensee may earn three business hours credit by attending, for at least three hours, a meeting of the Board wherein disciplinary cases are considered. Licensees must attend the complete agenda of disciplinary cases to receive the continuing education hours. ~~At least 7 days advance notice of the intent to attend the disciplinary case session must be given to the Board, and~~ The licensee must check in with the Clerk of the Board prior to the beginning of disciplinary proceedings. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action. A licensee may receive continuing education credit for attending the Board meeting only if he or she is attending on that date solely for continuing education credit; he or she may not receive continuing education credit if appearing at the Board meeting for any other purpose.

(12) The Board shall grant a maximum of seven (7) continuing education credits to any licensee who participates in examination development with the approval of the Board upon submission of documentation of such participation by the Department or a testing provider under contract with the Department. The licensee shall use such credits for the current renewal cycle and provide documentation of participation at least ninety days prior to the end of the renewal cycle.

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(13) Providers shall use the following prefixes to designate the number of approved hours in each of the four statutorily mandated categories: "T" for technical subjects, "C" for workers' compensation, "S" for workplace safety, and "B" for business practices.

(14) The Board shall grant a maximum of four (4) continuing education credits to any licensee who participates as a member of any technical advisory committee to the Florida Building Code Commission within the Department of Community Affairs. The licensee shall use such credits for the current renewal cycle and provide documentation of participation at least ninety days prior to the end of the renewal cycle.

(15) Board members may receive three (3) hours of general continuing education credit per biennium for participation at Board meetings.

*Specific Authority 489.507(3), 489.517(3) FS. Law Implemented 489.517(3) FS. History--New 11-30-94, Amended 6-13-96, 10-20-96, 12-25-96, 10-6-97, 3-24-99, 5-6-99, 11-2-00, 9-4-01, 10-17-05.*

**Rule 61G6-10.0065 Reinstatement of Null and Void License**

(1) An individual applying to have his or her null and void electrical contractor's certification or registration reinstated pursuant to Section 455.271(6)(b), Florida Statutes, shall submit an application on a form provided by the Department.

(2) Any license reinstated pursuant to this rule shall be reinstated to inactive status.

Rulemaking Specific Authority ' 455.271(6)(b), Fla. Stat.; Law Implemented ' 455.271(6)(b), Fla. Stat.

**61G6-12.001 Requirements for Burglar Alarm System Agent Training Courses.**

(1) The course fee shall be \$15.00 per hour, not to exceed \$60.00 per course.

(2) ~~The completed Training Provider and Continuing Education Course Approval Application on a form provided by the Department, course sponsor form, ASASPONS.APP Rev. 2/98, titled Alarm System Agent Sponsor Application, which is hereby incorporated by reference and will be effective 5-11-98, Copies of the form which may be obtained online at: [http://www.myfloridalicense.com/dbpr/pro/elboard/documents/training\\_provider\\_and\\_ee\\_course\\_approval\\_package\\_enterable.pdf](http://www.myfloridalicense.com/dbpr/pro/elboard/documents/training_provider_and_ee_course_approval_package_enterable.pdf), or from the Board office.~~

~~(3) The course application form, ASACOURS.APP Rev. 2/98, titled Alarm System Agent Course Application, which is hereby incorporated by reference and will be effective 5-11-98, copies of which may be obtained from the Board office.~~

~~(3) (4) Instructor Requirements are as follows:~~

(a) All course instructors shall be qualified, by education or experience, to teach the course, or parts of a course, to which the instructor is assigned.

1. Any person with a four year college degree or graduate degree is qualified to teach any course in their field of study.

2. Any certified or registered contractor with at least five years experience may teach any technical course regarding contracting within the scope of the contractor's license.

(b) Course sponsors may request approval by the board regarding the qualifications of a particular instructor for a particular course.

~~(4) (5) Each course sponsor must maintain the following records with respect to each course:~~

(a) The time, date and place each course is conducted.

(b) The name, address and qualifications of each instructor who teaches any portion of the course.

(c) The name, address and certificate or registration number of each person who registered for the course.

(d) The original sign-in sheet used at the site of the course to register persons who attend each course. The sign-in sheet shall require all attendees to print and sign their name.

(e) The course syllabus used for each course.

(f) The attendance forms.

(g) Each person who completes an approved course shall be issued a certificate of completion by the course sponsor. The

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certificate of completion shall contain the name of the person who completed the course. The course sponsor shall maintain a list of the name of each person who completes each course conducted by the course sponsor.

(h) The records must be maintained for at least three years following the date the course is completed.

(i) Each course sponsor shall provide the board with copies of any of these required records, upon request by the board.

~~(5)~~ ~~(6)~~ Course requirements: The Board shall approve burglar alarm system agent courses which address basic alarm system electronics, in addition to related training, including CCTV and access control, communication and signaling.

~~(6)~~ ~~(7)~~ A course syllabus shall be presented to the Board for approval which shall specify the name of the course, the number of the course assigned, the name and address of the course sponsor and a description or outline of the contents of the course.

*Specific Authority 489.507(3), 489.518(1)(b), 489.521 FS. Law Implemented 489.507(3), 489.518(1)(b), 489.521 FS. History--New 5-11-98.*

**61G6-12.002 Requirements for Fire Alarm System Agent Training Courses.**

(1) The training provider application fee shall be \$200.00.

(2) The course fee shall be \$25.00 per hour, not to exceed \$100.00 per course.

(3) The ~~completed Training Provider and Continuing Education Course Approval Application on a form provided by the Department. course sponsor form, ASASPONS.APP Rev. 2/98, titled Alarm System Agent Sponsor Application, which is hereby incorporated by reference and will be effective 5-11-98, Copies of the form which may be obtained online at: <http://www.myfloridalicense.com/dbpr/pro/elboard/documents/training-provider-and-cc-course-approval-package-enterable.pdf>, or from the Board office. course sponsor form, FASASPON.APP (Revised 8/6/98), titled Fire Alarm System Agent Sponsor Application, effective 2-18-99, which is hereby incorporated by reference and can be obtained from the Board office.~~

~~(4) The course application form, FASACOU.APP (Revised 8/6/98), titled Fire Alarm System Agent Course Application, effective 2-18-99, which is hereby incorporated by reference and can be obtained from the Board office.~~

~~(4)~~ ~~(5)~~ Instructor requirements are as follows:

(a) All course instructors shall be qualified, by education or experience, to teach the course, or parts of a course, to which the instructor is assigned.

(b) Any person with a four year college degree or graduate degree is qualified to teach any course in his/her field of study.

(c) Any certified or registered contractor with at least five years experience may teach any technical course regarding contracting within the scope of the contractor's license.

(d) Course sponsor may request approval by the Board regarding the qualifications of a particular instructor for a particular course.

~~(5)~~ ~~(6)~~ Course record requirements are as follows:

(a) Each course sponsor must maintain the following records with respect to each course.

1. The time, date and place each is conducted.

2. The name, address and qualifications of each instructor who teaches any portion of the course.

3. The name and address of each person who registered for the course.

4. The original sign-in sheet used at the site of the course to register persons who attend each course. The sign-in sheet shall require all attendees to print and sign their names.

5. The course syllabus used for each course.

6. The attendance forms.

(b) Each person who completes an approved course shall be issued a certificate of completion by the course sponsor. The certificate of completion shall contain the name of the person who completed the course, date the course was offered, name of the course, length of the course and the course approval number assigned by the Board.

(c) The course sponsor must maintain the records for at least three years following the date the course is completed.

(d) Each course sponsor shall provide the Board with copies of any of these required records, upon request by the Board.

~~(6)~~ ~~(7)~~ Course requirements: The Board shall approve fire alarm system agent courses which address basic fire alarm system technology in addition to related training in National Fire Protection Association (NFPA) codes and standards and access control training.

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(7) (8) A course syllabus shall be presented to the Board for approval which shall specify the name of the course, the name and address of the course sponsor and a description or outline of the contents of the course.

*Specific Authority 489.507(3), 489.517, 489.5185 FS. Law Implemented 489.507(3), 489.5185 FS. History—New 2-18-99.*

**Rule 61G6-10.0065 Reinstatement of Null and Void License**

(2) An individual applying to have his or her null and void electrical contractor's certification or registration reinstated pursuant to Section 455.271(6)(b), Florida Statutes, shall submit an application on a form provided by the Department.

(2) Any license reinstated pursuant to this rule shall be reinstated to inactive status.

*Rulemaking Specific Authority ' 455.271(6)(b), Fla. Stat.; Law Implemented ' 455.271(6)(b), Fla. Stat.*

**FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs**

Ms. Chastain directed the Board's attention to the financial reports for the operating and unlicensed activity accounts dated 12/31/2011.

**PROBATION COMMITTEE REPORT**

**MOTION:** Mr. Sandefer made a motion to accept the probation report of Joan Briddes.

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

**UNLICENSED ACTIVITY (ULA) REPORT – Paul Sandefer**

No report given.

**EXAMINATION REPORT – Kenneth Hoffmann**

The Board reviewed the information provided by the Bureau of Education and Testing re: revision of the Limited Energy Exam and the improvement in passing rates since July 1, 2010.

**ENDORSEMENT REPORT**

No changes.

**RATIFICATION OF APPLICATIONS**

The lists will be attached to the minutes and are hereby incorporated by reference. (Lists are attached as exhibits A & B).

**MOTION:** Mr. Hoffmann made a motion to accept the lists as presented.

**SECOND:** Mr. Thomas.

Motion passed unanimously.

See Exhibits A & B.

**APPROVAL OF MINUTES**

**MOTION:** Mr. Thomas made a motion to approve the minutes from January 2011.

**SECOND:** Mr. Hoffmann.

Motion passed unanimously.

**OLD BUSINESS/ NEW BUSINESS**

None.

**PROSECUTING ATTORNEY'S REPORT – LeChea Parson, Esq., Assistant General Counsel**

Ms. Parson directed the Board's attention to the details of the report which was distributed to the members. The report included the following case information as of March 14, 2011.

- 7 cases assigned to legal after investigation
- 29 cases set for probable cause presentation
- 15 cases set for board presentation
- 4 cases administrative complaints filed
- 3 cases to the Division of Administrative Hearings
- 1 case ready for default
- 1 case required formal hearing
- 5 cases in settlement negotiation
- 3 cases awaiting reconsideration
- 1 case sent for supplemental investigation

**MOTION:** Mr. Tibbs made a motion to continue prosecution of the year old cases.

**SECOND:** Mr. Thomas.

Motion passed unanimously.

**BOARD COUNSEL'S REPORT – Deborah Loucks, Esq., Assistant Attorney General**

No report given.

**PROBABLE CAUSE PANEL PUBLIC CASES**

**R-1 Ginsburg, Harold**

**Case # 2010-029977**

**MOTION:** Mr. Thomas made a motion to close the case without further prosecution.

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

**R-2 Roman, David Glen**

**Case # 2010-038525**

**MOTION:** Mr. Bramlett made a motion to close the case without further prosecution.

**SECOND:** Mr. Thomas.

Motion passed unanimously.

**R-3 Serota, Bobby**

**Case # 2008-039873**

**MOTION:** Mr. Thomas made a motion to close the case without further prosecution.

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**SECOND:** Mr. Bramlett.  
Motion passed unanimously.

**EXECUTIVE DIRECTOR'S REPORT – Juanita Chastain**

Ms. Chastain directed the Board's attention to the enforcement report and the proposed meeting dates which were provided for their information.

**CHAIRPERSON'S COMMENTS – Brian Flaherty**

None.

**Adjournment.**