

**MINUTES FROM THE
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399
November 17, 18 & 19, 2010**

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
Roger E. Langer
Robert Bramlett
Pierre Bellemare
Paul Sandefer
Reagan Huff

Members Absent

None

Others Present

Secretary Charlie Liem
Juanita Chastain, Executive Director
Ruthanne Christie, Government Analyst II
Deborah Loucks, Esq., Assistant Attorney General
LeChea Parson, Esq., Assistant General Counsel
Court Reporter – Accurate Stenotype Reporters, 850-878-2221
G. W. Harrell, Executive Director, Construction Industry Licensing Board
Alex Bosque, Bureau of Education and Testing
Fanny Fuentes-Sansores, Bureau of Education and Testing
Jerry Wilson, Division of Regulation
Michael Green, Division of Regulation
Reina Moyeno, Bureau of Education and Testing
Andy Janecek, Bureau of Education and Testing
Steve Dale, Executive Director, National Low Voltage Contractors Association

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

Larry Cheatham
ER0007415
Informal
2009053093
Cheatam Electric, Inc
Bellemare Bramlett, Tibbs

Mr. Cheatham was not present nor represented by counsel. Mr. Cheatham was charged with violation of 489.129(1)(m)4,F.S., failing to pay a civil judgment.

MOTION: Mr. Thomas made a motion that no material facts were in dispute and denying the request for formal hearing.

SECOND: Mr. Sandefer.
Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to adopt the findings of fact as those of the board.

SECOND: Mr. Hoffmann.
Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to find the respondent was properly served.

SECOND: Mr. Hoffmann.
Motion passed 5 in favor, 1 opposed (Langer).

MOTION: Mr. Sandefer made a motion to impose a fine of \$1,500, costs of \$154.94 and probation until 1 year after judgment is satisfied.

SECOND: Mr. Hoffmann.
Motion passed unanimously.

Raymond McFarlane
ER0013758
Informal
2009063512
Raymac Electrical Services Inc.
Bramlett, Bellemare, Tibbs

Mr. McFarlane was not present nor represented by counsel. Mr. McFarlane was charged with violation of 489.533(1)(n),F.S., being disciplined by a municipality, 489.533(1)(s), F.S. contracting beyond the geographic scope of license.

MOTION: Mr. Sandefer made a motion to adopt the findings of fact as those of the board.

SECOND: Mr. Huff.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to accept the conclusions of law as stated in the administrative complaint.

SECOND: Mr. Huff.

Motion passed unanimously.

MOTION: Mr. Langer made a motion to impose a fine of \$7,500, costs of \$170.23 and revocation of licensure.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

Steven Norton

ET711

Informal

2009005555

Soony Beach Inc. d/b/a Impact graphics Signs Co.

Bellemare, Bramlett, Tibbs

Mr. Norton was present and sworn in by the court reporter. Mr. Norton was charged with violation of 489.533(1)(r),F.S., failing to obtain required permits.

MOTION: Mr. Langer made a motion accept the settlement stipulation imposing 1 year probation, fines of \$2,000 and costs of \$300.20.

SECOND: Mr. Sandefer.

Motion passed unanimously.

John Robinson

ER15100

Informal

2009043536

Robinsons Electrical Service LLC

Bramlett, Bellemare, Tibbs

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

MOTION: Mr. Sandefer made a motion to find there was no dispute of material facts.

SECOND: Mr. Thomas.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to adopt the findings of fact as those of the board.

SECOND: Mr. Huff.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to accept the conclusions of law as stated in the administrative complaint.

SECOND: Mr. Huff.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to impose a fine of \$1,500, costs of \$246.24 and probation until 1 year after satisfaction of civil judgment.

SECOND: Mr. Huff.

Motion passed unanimously.

John Robinson
ER15100
Informal
2009039508
Robinsons Electrical Service LLC
Bramlett, Bellemare, Tibbs

Mr. Robinson was not present nor represented by counsel. Mr. Robinson was charged with violation of 489.533(1)(f), F.S., committing fraud or deceit.

MOTION: Mr. Thomas made a motion to adopt the findings of fact as those of the board.

SECOND: Mr. Sandefer.

Motion passed unanimously.

MOTION: Mr. Thomas made a motion to accept the conclusions of law as stated in the administrative complaint.

SECOND: Mr. Sandefer.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to impose a fine of \$1,500, costs of \$202.04.

SECOND: Mr. Huff.

Motion passed unanimously.

William Tindall
ET11000863
Informal
2009014835
Amarican Lighting & Signs
Bramlett, Bellemare, Tibbs

Mr. Tindall was present and sworn in by the court reporter. Mr. Tindall was charged with violation of 489.533(1)(r), F.S. proceeding on any job without a permit and 489.533(1)(o), F.S. failing to maintain workers compensations coverage, 489.533(1)(d), F.S. being convicted of a crime directly related to the practice.

MOTION: Mr. Thomas made a motion no facts were in dispute and denying the request for formal hearing.

SECOND: Mr. Sandefer.
Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to accept the findings of fact as stated in the administrative complaint.

SECOND: Mr. Hoffmann.
Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to accept the conclusions of law as stated in the administrative complaint.

SECOND: Mr. Langer.
Motion passed unanimously.

MOTION: Mr. Langer made a motion to impose a fine of \$5,000, costs of \$300.63 and 1 year suspension of license.

SECOND: Mr. Flaherty.
Motion passed 5 in favor, 1 opposed (Sandefer).

David Crowder
ER2091
Waiver of Rights
2009051599
David P. Crowder Electric, inc.
Thomas, Bramlett, Tibbs

Case pulled from agenda by Prosecuting Attorney.

Jack Drage
EC13001381
Waiver of Rights
2010006655
Clifton Consolidated Corp. of Florida
Thomas, Bramlett, Tibbs

Mr. Drage was not present nor represented by counsel. Mr. Drage was charged with violation of 489.533(1)(m), F.S., financial mismanagement or misconduct, 489.533(1)(e), F.S. making or filing a false report or record.

MOTION: Mr. Sandefer made a motion to find a waiver of right to hearing, respondent was properly served.

SECOND: Mr. Langer.
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.

SECOND: Mr. Langer.

Motion passed unanimously.

MOTION: Mr. Huff made a motion to impose a fine of \$5,000, costs of \$311.58, restitution of \$24, 866.87 (satisfaction of lien) and revocation of licensure.

SECOND: Mr. Flaherty.

Motion passed unanimously.

Robert Fitzgerald
ER15375
Waiver of Rights
2009051588
Electracom of Florida
Tibbs, Bellemare , Bramlett

Mr. Fitzgerald was not present nor represented by counsel. Mr. Fitzgerald was charged with violation of 489.533(1)(m)4,F.S., financial mismanagement or misconduct.

MOTION: Mr. Sandefer made a motion to find a waiver of right to hearing, respondent was properly served.

SECOND: Mr. Thomas.

Motion passed unanimously.

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to impose a fine of \$1,500, costs of \$497.66 and satisfaction of civil judgment before he can reapply for licensure.

SECOND: Mr. Flaherty.

Motion passed unanimously.

James Minni
ER13013607
Waiver of Rights
2009061008
Minni Electric, Inc.
Tibbs, Belemare, Bramlett

Case continued by Prosecuting Attorney.

Noel Sinclair
ER13014132

Waiver of Rights
2009064089
St. Clair Electric Inc.
Thomas, Bramlett, Tibbs

Mr. Sinclair was not present nor represented by counsel. Mr. Sinclair was charged with violation of 489.533(1)(c), F.S. & 455.227(1)(n), F.S., having local license revoked.

MOTION: Mr. Sandefer made a motion to find a waiver of right to hearing, respondent was properly served.

SECOND: Mr. Langer.

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.

SECOND: Mr. Langer.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to impose costs of \$ 375.74 and revocation of licensure.

SECOND: Mr. Flaherty.

Motion passed unanimously.

David Soll
ER13014079
Waiver of Rights
2009052927
Soll Electric
Tibbs, Bellemare Bramlett

Mr. Soll was not present nor represented by counsel. Mr. Soll was charged with violation of 489.533(1)(m)4, F.S., financial mismanagement or misconduct.

MOTION: Mr. Sandefer made a motion to find a waiver of right to hearing, respondent was properly served.

SECOND: Mr. Huff.

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.

SECOND: Mr. Huff.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to impose a fine of \$1,500, costs of \$ 502.00 and probation from date of final order until 1 year after satisfaction of civil judgment.

SECOND: Mr. Flaherty.

Motion passed unanimously.

APPLICATION REVIEW –Brian Flaherty, Chairman
Second 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

Deirdre A. Blair, CamCare Re: Monitoring

Ms. Blair was not present nor represented by counsel.

MOTION: Mr. Bellemare made a motion that the work described constitutes monitoring and therefore requires a license.

SECOND: Mr. Sandefer.

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

Cypress Communications, Inc., Re: Directional Boring under Utility Line or Limited Energy Specialty Licenses

Michael Dolaldson, Esq, was not present as counsel for Cypress Communications.

MOTION: Mr. Sandefer made a motion that the work described is within the scope of the licenses.

SECOND: Mr. Tibbs.

Motion passed unanimously.

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

**Joseph Abrams
Application Denial**

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

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

SECOND: Mr. Thomas.

Motion passed unanimously.

**Robert Barbee
Application Denial**

Mr. Barbee 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.

**Alan Buck
Application Denial**

Mr. Buck 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.

**Christopher Burney
Application Denial**

Mr. Burney was not present nor represented by counsel, he requested a continuance.

MOTION: Mr. Thomas made a motion to continue the application.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

**James Eason
Application Denial**

Mr. Eason was present and sworn in by the court reporter, he was represented by Tim Atkinson, Esq.

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

SECOND: Mr. Huff.

Motion passed unanimously.

Robert Malchow
Application Denial

Mr. Malchow 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. Langer.

Motion passed unanimously.

Douglas Pellechia
Application Denial

Mr. Pellechia 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. Langer.

Motion passed unanimously.

Robert Remington
Application Denial

Mr. Remington was not present nor represented by counsel, he requested a continuance.

MOTION: Mr. Hoffmann made a motion to continue the application.

SECOND: Mr. Bramlett.

Motion passed unanimously.

Ira Thompson
Application Denial

Mr. Thompson was present and sworn in by the court reporter, he was represented by Tim Atkinson, Esq.

MOTION: Mr. Tibbs made a motion to grant the Variance and Waiver and accept the performance bond until the business provides proof of meeting the net worth requirement.

SECOND: Mr. Sandefer.

Motion passed unanimously.

MOTION: Mr. Tibbs made a motion to reverse the denial and approve the application contingent on providing a \$50,000 surety bond to the board office.

SECOND: Mr. Sandefer.

Motion passed unanimously.

Douglas Kaup
Application Denial

Mr. Kaup was present and sworn in by the court reporter, he was represented by Tim Atkinson, Esq.

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

SECOND: Mr. Sandefer
Motion passed unanimously.

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

John Cawley – EG13000318

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

MOTION: Mr. Bellemare made a motion to reinstate the license to inactive status and charge the fee of \$500, crediting \$300 already paid to that amount.

SECOND: Mr. Hoffmann.
Motion passed unanimously.

Frank Laudenberger – EC13003496

Mr. Laudenberger was not was present nor represented by counsel.

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

SECOND: Mr. Huff.
Motion passed unanimously.

Robert Lynch – EC13001947

Mr. Lynch was not was present nor represented by counsel.

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

SECOND: Mr. Huff.
Motion passed unanimously.

Allen Miller – ES0000182

Mr. Miller was not was present nor represented by counsel.

MOTION: Mr. Bellemare made a motion to reinstate the license to inactive status and waive the fee of \$500 based on payment of \$725 renewal fees.

SECOND: Mr. Tibbs.
Motion passed unanimously.

Mark Noppert – EC0001446

Mr. Noppert was not present nor represented by counsel.

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

SECOND: Mr. Bramlett.
Motion passed unanimously.

Todd Wilkes – EC13002714

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

MOTION: Mr. Huff made a motion to reinstate the license to inactive status and waive the fee of \$500 based on payment of \$725 renewal fees.

SECOND: Mr. Tibbs.
Motion passed unanimously.

Scott Young – EG0000145

Mr. Young was not was present nor represented by counsel.

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

SECOND: Mr. Tibbs.
Motion passed unanimously.

Bronic Zagrobelny – EG0000201

Mr. Zagrobelny was not was present nor represented by counsel.

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

SECOND: Mr. Tibbs.
Motion passed unanimously.

LEGISLATIVE REPORT

Nothing reported.

RULES REPORT – Clarence K. Tibbs

Ms. Loucks provided the Board with a rules report updating the status of their open rules.

Draft Language - Rule 61G6-5.002, F.A.C.

MOTION: Mr. Tibbs made a motion to approve the proposed language and stated no SERC was required.

SECOND: Mr. Bramlett.
Motion passed unanimously.

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

(1) An applicant for certification by examination or by endorsement shall submit a ~~the~~ complete

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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, 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> http://www.myflorida.com/dbpr/pro/elboard/documents/eclb_exam_enterable.pdf.

(2) ~~All retake exam 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'~~

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Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, or at:

<http://www.state.fl.us/dbpr/pro/forms/elboard/index.shtml>.

~~(2)~~(3) 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 ~~(DBPR ECLB form number 4457, effective August 2008)~~ with the required fee must be submitted on a form provided by ~~to~~ the Department. The retake exam application may be obtained at http://www.myfloridalicense.com/dbpr/pro/elboard/documents/eclb4457_enterable.pdf. For the second and third re-examination attempts on the Business 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.

Specific Authority 489.507(3) FS. Law Implemented 489.511 FS. History—New 1-2-80, Amended 10-30-80, Formerly 21GG-5.02, Amended 10-30-88, 11-3-92, Formerly 21GG-5.002, Amended 4-5-95, 5-13-03, 1-23-05, 6-3-07.

Draft Language - Rule 61G6-7.001, F.A.C.

MOTION: Mr. Tibbs made a motion to approve the proposed language and stated no SERC was required.

SECOND: Mr. Thomas.

Motion passed unanimously.

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

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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 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.

Draft Language - Rule 61G6-5.0061, F.A.C.

MOTION: Mr. Tibbs made a motion to withdraw the proposed rule.

SECOND: Mr. Huff.

Motion passed unanimously.

61G6-5.0061 Registration of Additional New Business Entity or Transfers.

(1) A registered qualifying agent who wishes to engage in contracting in his own name or in affiliation with another business entity shall be required to submit an application, on a form provided by the Department and accompanied by the application fee, to the Department.

(2) The Application for registration is form number DBPR ECLB 4452-1, effective May 2010 December 2009, titled Application for Registered Electrical, Alarm System or Specialty Contractor, which is hereby incorporated by reference. Copies of the application form which may be obtained from the Board office, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771 or via the internet at http://www.myflorida.com/dbpr/pro/forms/elboard/fdocuments/registered_electrical_package_erable.pdf.

(3) The application shall be accompanied by a statement of authority and a credit report. The requirement of a minimum net worth does not apply to registered contractors applying under this rule.

(4) If a registrant is to be a secondary qualifier for an already qualified business, the registrant does not need to submit the financial portion of the application for registration or a credit report.

AUTHORITY: Specific Authority 489.507(3), 489.513(1), 489.521(2), (3)(a) FS.
Law Implemented 489.511(3), 489.521(2), (3)(a), (8) FS.

HISTORY
New

Draft Language - Rule 61G6-10.0065, F.A.C.

MOTION: Mr. Bellemare made a motion to approve the proposed language and stated no SERC was required.

SECOND: Mr. Tibbs.

Motion passed unanimously.

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.

Draft Language - Rule 61G6-12.001, F.A.C.

MOTION: Mr. Bellemare made a motion to strike the proposed language for #7 and keep change to #2 and stated no SERC was required.

SECOND: Mr. Huff.

Motion passed unanimously.

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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_ce_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 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.

~~(7) Courses may be offered and conducted on-line but must comply with this rule in their entirety. Such courses must include real time (contemporaneous) interactive discussions with the instructor and other attendees.~~

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.

Draft Language - Rule 61G6-12.002, F.A.C.

MOTION: Mr. Bellemare made a motion to strike the proposed language for #8 and keep change to #3 and stated no SERC was required.

SECOND: Mr. Huff.

Motion passed unanimously.

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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, 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. Copies of the form may 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.~~

(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.

(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.

(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.

(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.

~~(9) Courses may be offered and conducted on-line but must comply with this rule in their entirety. Such courses must include real time (contemporaneous) interactive discussions with the instructor and other attendees.~~

Draft Language - Rule 61G6-8.001, F.A.C.

MOTION: Mr. Huff made a motion to approve the proposed changes and stated no SERC was required.

SECOND: Mr. Tibbs.

Motion passed unanimously.

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61G6-8.001 Fees.

The following fees are prescribed by the Board:

(1) The application fee for the certification examination for electrical or alarm systems contractor shall be two hundred dollars (\$200.00). The initial examination fee for the examination for electrical or alarm systems contractor shall be one hundred twenty-seven dollars and fifty cents (\$127.50) payable to the Department. The applicant shall pay the professional testing service directly for any test administration fee. When the examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department.

(2) The initial application fee for licensure by endorsement as a certified unlimited electrical contractor shall be two hundred dollars (\$200.00).

(3) The fee for issuance, renewal or reinstatement of certification for electrical contractor or alarm systems contractor shall be two hundred ninety five dollars (\$295.00).

(4) The fee to reinstate a null and void license shall be five hundred dollars (\$500.00).

(5) The re-examination fee for the certification examination shall be one hundred twenty-seven dollars and fifty cents (\$127.50) payable to the Department. The re-examination fee for the Business Computer-Based Test shall be paid directly to the professional testing service. When the computer-based testing (CBT) of the examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department.

(6) The initial fee for registration shall be one hundred fifty dollars (\$150.00).

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

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

(8) The fee for renewal of registration shall be one hundred twenty dollars (\$120.00).

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

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

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

(12) The fee for the review of the Technical/Safety examination pursuant to the provisions of Chapters 455 and 489, F.S., shall be seventy-five dollars (\$75.00). The fee for review of the Business Computer-Based Test (at the site where the original exam was taken) shall be paid directly to the professional testing service.

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

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

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

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

(17) The fee to add additional counties to an existing registration shall be one hundred dollars (\$100.00) per county.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

Ms. Chastain presented the report for the operating and unlicensed activity accounts ending September 30, 2010. She explained the board is no longer in a deficit.

PROBATION COMMITTEE REPORT

MOTION: Mr. Tibbs made a motion to accept the probation reports of Fernando Loza.

SECOND: Mr. Thomas.

Motion passed unanimously.

UNLICENSED ACTIVITY (ULA) REPORT – Paul Sandefer

Jerry Wilson and Michael Green addressed the Board and updated them on the Department's efforts related to unlicensed activity.

EXAMINATION REPORT – Kenneth Hoffmann

Alex Bosque and Fanny Fuentes provided the Board with a performance summary report of the Electrical Business and Technical/Safety exams for July 1, 2010 to October 31, 2010.

ENDORSEMENT REPORT

MOTION: Mr. Tibbs made a motion to update the matrix to show Delaware is not substantially similar.

SECOND: Mr. Bramlett.

Motion passed unanimously.

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. Tibbs made a motion to accept the lists as presented.

SECOND: Mr. Bellemare.

Motion passed unanimously.

See Exhibits A & B.

APPROVAL OF MINUTES

MOTION: Mr. Bellemare made a motion to approve the minutes from September 2010 minutes.

SECOND: Mr. Tibbs.

Motion passed unanimously.

OLD BUSINESS/ NEW BUSINESS

Secretary Charlie Liem addressed the Board and discussed the efforts the Department has made and continues to make to speed up the application process and streamline the application forms.

Steve Dale, Executive Director of the National Low Voltage Contractors Association presented a plaque to Secretary Liem in recognition of Department employees Reina Moyeno and Ruthanne Christie.

G.W. Harrell, Executive Director of the Construction Industry Licensing Board, addressed the Board regarding solar contracting. Members of the audience expressed concerns that CILB solar contractors may be performing work that exceeds the scope of their license. Mr. Harrell advised the Board any determinations regarding the scope of work of the CILB's solar specialty would have to go before the CILB in the form of a petition for declaratory statement.

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 November 1, 2010.

- 6 cases assigned to Legal after investigation
- 24 cases set for Probable Cause presentation
- 17 set for Board presentation
- 2 cases to DOAH
- 0 cases awaiting service of AC
- 1 cases ready for default
- 4 cases requested formal hearings
- 1 cases in settlement negotiation
- 2 cases awaiting reconsideration

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 Vetter, Keith

Case # 2009-002147

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

R-2 Cavaliere, Benedict

Case # 2010-025475

MOTION: Mr. Thomas made a motion to close the case without further prosecution since the respondent is deceased.

SECOND: Mr. Bramlett.

Motion passed unanimously.

CR-2 Jackson, Lestor

Case #2008-007055

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

SECOND: Mr. Thomas.

Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT – Juanita Chastain

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Ms. Chastain directed the Board's attention to the enforcement report and the proposed meeting dates which were provided for their information. She informed the Board the January meeting location may be changed and she would update them as soon as the location was confirmed.

CHAIRPERSON'S COMMENTS – Brian Flaherty

Mr. Flaherty thanked the members and staff for their participation and efforts.

Adjournment.