MINUTES FROM THE
Electrical Contractors’ Licensing Board Meeting
January 22-23, 2009
Casa Monica Hotel
95 Cordova Street
St. Augustine, FL 32084

The Board Meeting was called to order by Chairman Clarence Tibbs at 8:30 a.m.

PLEDGE OF ALLEGIANCE AND INVOCATION
ROLL CALL

Members Present
Clarence K. Tibbs (Chairman)
Noel Thomas (Vice-Chairman)
Pierre Bellemare
Roger E. Langer
Paul Sandefer
Brian Flaherty
Robert Bramlett
Reagan Huff
Kenneth Hoffmann

Members Absent
None

Others Present
Anthony B. Spivey, Executive Director
Ruthanne Christie, Government Analyst I
Michael Flury, Esq., Assistant Attorney General
LeChea Parson, Assistant General Counsel
Court Reporter – Volusia Reporting Company, PH: 386-255-2150

Disciplinary Cases – LeChea Parson, Assistant General Counsel Attorney

Richard L. Ambrust
Hearing pursuant to 120.57(2)
License #: ER 0002858
Case #: 2006-040303
Recused: Thomas, Tibbs, Penner

Mr. Ambrust was not present nor represented by counsel.
**MOTION:** Mr. Bellemare made a motion to accept the findings of fact and conclusions of law as stated in the administrative complaint.
**SECOND:** Mr. Flaherty.
The motion passed unanimously.

**MOTION:** Mr. Flaherty made a motion to suspend the license until the licensee pays restitution of the money paid by the complainant followed by 1 year probation, impose fines of $3000 and $193 costs.
**SECOND:** Mr. Bellemare.
The motion passed unanimously.

Gregory L. Yoder
Hearing pursuant to 120.57(2), F.S.
License #: ES 208
Case #: 2006-068271
Recused: Thomas, Tibbs, Penner

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

**MOTION:** Mr. Hoffmann made a motion to accept the findings of fact and conclusions of law as stated in the administrative complaint.
**SECOND:** Mr. Flaherty.
The motion passed unanimously.

**MOTION:** Mr. Flaherty made a motion to impose fines of $500 and $249.13 costs.
**SECOND:** Mr. Bellemare.
The motion passed unanimously.

Tony P. Finno
Settlement Stipulation
License #: EC13002831
Case #: 2007-055012
Recused: Thomas, Penner, Tibbs

Mr. Finno was not present nor represented by counsel.

**MOTION:** Mr. Langer made a motion to reject stipulation and request the licensee appear before the board.
**SECOND:** Mr. Flaherty.
The motion passed unanimously.

Steven G. Zubatuk
Motion for Waiver of Rights
License #: EZ 0000117
Electrical Contractors’ Licensing Board  
Meeting Minutes  
January 2009

Case #: 2007-040702
Recused: Tibbs, Penner, Thomas

Mr. Zubatuk was not present nor represented by counsel.

**MOTION:** Mr. Bellemare made a motion to find a waiver of rights.  
**SECOND:** Mr. Flaherty.  
Motion passed unanimously.

**MOTION:** Mr. Bellemare made a motion to accept the findings of fact and conclusions of law.  
**SECOND:** Mr. Flaherty.  
Motion passed unanimously.

**MOTION:** Mr. Bellemare made a motion to suspend the license for 1 year followed by 1 year probation and impose a fine of $5,500 costs of $179.60.  
**SECOND:** Mr. Flaherty.  
Motion passed unanimously.

William A. Johnson, III  
Hearing pursuant to 120.57(2), F.S.  
License #: EC 0002345  
Case #: 2008-003384  
Recused: Thomas, Bellemare

Mr. Johnson was not present nor represented by counsel.

**MOTION:** Mr. Sandefer made a motion to grant the request for continuance.  
**SECOND:** Mr. Flaherty.  
Motion passed unanimously.

APPLICATION REVIEW  
Second Business Applications  
Antinelli, Frank - Accurate Services LLC  
 Colon, Israel - Superior Alarms Inc  
 Frank, Robert - Perfect Electric Services Inc  
 Hinds, Eve - Access Security Technology Inc  
 Klee, James - Fort Knox Fire And Communications Inc  
 Link, Charles - Evening Illumination Inc  
 O'connell, Robert - Electrotek Inc  
 Oliver, James - Green Safe Homes LLC  
 Pergantis, John - Tannassee Fire Alarm Systems Inc  
 Polakoff, Paul - Individual  
 Ponce, Ramiro - Communications and Alarm Services Corp
Rippel, Roger - Halifax Security Inc DBA North American Video
Well, Tony - Advanced Construction & Renovation Inc

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. Thomas 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.

After the call to order on Friday January 23, 2009 Mr. Spivey took time to remember Mr. Penner and his service to the Board and the State of Florida, the Board had a moment of silence in memory of Mr. Penner.

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT – Michael Flury, Assistant Attorney General

Brian Kozinski
Application Denial – Unlimited Electrical Contractor Examination

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

MOTION: Mr. Huff made a motion to uphold the denial.
SECOND: Mr. Langer.
Motion passed unanimously.

Felix Negrin
Application Denial – Initial Certified Unlimited Electrical License

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

After discussion of the application Mr. Negrin requested to be allowed to withdraw his application.
MOTION: Mr. Bramlett made a motion to accept the withdrawal.
SECOND: Mr. Hoffmann.
Motion passed unanimously.

Paul McLaughlin
Application Denial – Unlimited Electrical Contractor Examination
Mr. McLaughlin was present and sworn in by the court reporter.

MOTION: Mr. Langer made a motion to reverse the denial and approve the application.
SECOND: Mr. Hoffmann.
Motion passed unanimously.

Carlos Gancedo
Application Denial - Additional Business

Mr. Gancedo was not present nor represented by counsel.

MOTION: Mr. Bellemare made a motion to uphold denial.
SECOND: Mr. Langer.
Motion passed unanimously.

MOTION: Mr. Bellemare made a motion to approve the application.
SECOND: Mr. Bramlett.
Motion passed unanimously.

Request for Variance or Waiver, Michael Flury, Esq., Assistant Attorney General

Roberta Plamandon

Ms. Plamandon was present and sworn in by the court reporter.

MOTION: Mr. Sandefer made a motion to grant the variance.
SECOND: Mr. Huff.
Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to approve the application.
SECOND: Mr. Huff.
Motion passed unanimously.

Requests for Reinstatement of Null and Void Licenses, Michael Flury, Esq., Assistant Attorney General

Rene Gomez - EC 13001555
Mr. Gomez was not present nor represented by counsel.

**MOTION:** Mr. Flaherty made a motion to approve the request and reinstate the license upon proof of required CE credits and back fees.

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

Stephen D. Harding – EC 13003065
Continued to March meeting.

**PROSECUTING ATTORNEY’S REPORT – LeChea Parson, 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 January 2008.

- 18 cases in Legal after investigation
- 20 cases set for Probable Cause presentation
- 13 cases where an Administrative Complaint has been filed
- 1 case for reconsideration
- 5 cases pending Supplemental Investigation
- 4 cases requesting a Formal Hearing
- 6 cases set for Board presentation
- 4 cases awaiting Final Order
- 3 cases for settlement negotiations
- 7 cases a year old or more

**UNLICENSED ACTIVITY REPORT – LeChea Parson, 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 January 2008.

- 66 cases in OGC
- 54 new cases
- 2 cases awaiting further investigation / expert report
- 0 cases awaiting Probable Cause determination
- 0 cases Probable Cause Found
- 9 cases where an Administrative Complaint has been filed
- 0 cases requesting an Informal Hearing
- 0 cases requesting a Formal Hearing
- 1 case for default / failed to respond to AC
- 0 cases hearing held; awaiting final order
- 0 cases referred to DOAH
- 0 cases on appeal
LEGISLATIVE REPORT - Brian Flaherty
No report given.

RULES REPORT – Clarence K. Tibbs
Mr. Flury presented the report with the following statuses:

- Rule 61G6-8.001, F.A.C. – Waiting on SERC
- Rule 61G6-5.009, F.A.C. – On JAPC hold 11/7/2008
- Rule 61G6-7.001, F.A.C. – On JAPC hold 9/18/2008

PROBATION COMMITTEE REPORT - Paul Sandefer
The Board reviewed the probation reports of Patrick Egan, Robert Bryan, Kenneth Holmes and Anthony Diodato.

MOTION: Mr. Sandefer made a motion to approve the reports presented.
SECOND: Mr. Bellemare.
Motion passed unanimously.

UNLICENSED ACTIVITY (ULA) REPORT – Paul Sandefer
No report given.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs
No report given.

EXAMINATION REPORT – Clarence K. Tibbs
The Board reviewed the 2008 exam statistics.

ENDORSEMENT REPORT
No changes were made to the matrix.

The Board asked Ms. Christie to have the Psychometrician review the Georgia exam again to verify it is still substantially similar.

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. Langer made a motion to ratify the lists as presented.
SECOND: Mr. Bellemare.
Motion passed unanimously.

See Exhibits A & B.
OLD BUSINESS/ NEW BUSINESS
None

BOARD COUNSEL’S REPORT – Michael Flury, Esq., Assistant Attorney General
No report given.

EXECUTIVE DIRECTOR’S REPORT – Anthony B. Spivey

Mr. Spivey directed the Boards’ attention to the enforcement report.

The Board reviewed the proposed travel dates.

Mr. Spivey presented the Board member training.

CHAIRPERSON’S COMMENTS – Clarence Tibbs
None.

Adjournment.