

**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

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 - Tannasse 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 61G6-5.002, F.A.C. – On JAPC hold 11/7/2008

Rule 61G6-5.003 – 5.009, F.A.C. - On JAPC hold 11/7/2008

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.

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**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.**