

**MINUTES FROM THE
July 24-25, 2008 ECLB Meeting
Hyatt Regency Sarasota on Sarasota Bay
1000 Blvd. of the Arts
Sarasota, FL 34236**

The Board Meeting was called to order by Chairman Pierre Bellemare at 9:30 a.m.

**PLEDGE OF ALLEGIANCE AND INVOCATION
ROLL CALL**

Members Present

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

Members Absent

None

Others Present

Anthony B. Spivey, Executive Director
Ruthanne Christie, Government Analyst I
Michael Flury, Esq., Assistant Attorney General
Charles Tunnickliff., Chief Professions Attorney
Court Reporter – Patricia K. Gough of Argus Reporting LLC, PH: 813-490-0003

Approval of the Agenda

MOTION: Mr. Flaherty made a motion to approve the agenda.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Approval of the Minutes

No minutes were provided.

Disciplinary Cases – Charles Tunnickliff, Chief Professions Attorney

Ronald D. Robinson

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d/b/a Ronald Robinson Electric
530 Asbury Drive, #B
Mandeville, LA 70471
Motion for Waiver of Rights
License #: ER 14283
Case #: 2006-013103
Recused: Tibbs, Penner, Thomas

Mr. Robinson was not present nor represented by counsel.

MOTION: Mr. Flaherty made a motion to find a waiver of rights.

SECOND: Mr. Bramlett.

Motion passed unanimously.

MOTION: Mr. Bramlett made a motion to accept the findings of fact and conclusions of law.

SECOND: Mr. Flaherty.

Motion passed unanimously.

MOTION: Mr. Langer made a motion to revoke the license and impose costs of \$124.53 costs.

SECOND: Mr. Flaherty.

Motion passed unanimously.

APPLICATION REVIEW

Second Business Applications

Anderson, Troy - Godby State And Lock Inc; Burch, Hashay - Ingrid Services LLC; Cates, Robert - Total Comfort Heat And Air Conditioning Inc; Cavnar, John - Gold Star Security Systems Inc; Chappell, Roy - Kt Fiber Solutions LLC DbA Fiber Solutions LLC; Chappell, Roy - Us Metropolitan Telecom LLC DbA Truwave Networks LLC; Chouinard, Donald - Integrity Electrical Services Inc; Dull, Brenda - State Alarm Inc; Dzeda, James - Empire Enegy Inc; Ghiran, Mircea - Naples Fire Protection Inc; Hamilton, Bruce - Dixon Electric Of Brevard Inc; Morris, Jesse - Rommel Electric Of Northeast Fl Inc; Mugford, Norman - Casterline Security Services LLC; Romanach, Alexander - Platinum Construction & Engineering Services Inc; Roy, Frederic - Moore Alarms Inc; Roy, Frederic - Frederic Roy LLC DbA Tampa Signal; Scoville, Gary - Universal Fire Protection A Division Of Melbourne Fire Extinguisher Co Inc; Southard, Walter - Kmg Security LLC; Starling, William - Kms Electrical Services Inc; Texidor, Arnaldo - Metro Contractors Inc; Vizzi, Stephen - Amc Surveillance Camera & Electronics Inc; Wagner, Pelham - Active Enterprises LLC; Zeller, Harold - Zeller Security And Sound Systems Inc; Williams, Gary - Advanced Solar Technologies;

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. Tibbs 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.

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

Mark Hurt

Application Denial – Endorsement

Mr. Hurt 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.

Edward Pleffner

Application Denial – Alarm I Contractor Examination

Mr. Pleffner was present and sworn in by the court reporter and represented by counsel, Stephanie Bolton, Esq.

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

Michael Koliass

Application Denial – Unlimited Electrical Contractor Examination

Mr. Koliass 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.

John Chiles

Application Denial – Unlimited Electrical Contractor Examination

Mr. Chiles was not present nor represented by counsel.

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

Anthony Diodato

Application Denial – Initial Registration

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

MOTION: Mr. Sandefer made a motion to reverse the denial and approve the application with 1 year of probation.

SECOND: Mr. Tibbs.

Motion passed unanimously.

James Anderson

Application Denial – Unlimited Electrical Contractor Examination

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

MOTION: Mr. Flaherty made a motion to reverse the denial and approve the application for the category of Utility Line Specialty rather than Unlimited.

SECOND: Mr. Langer.

Motion passed unanimously.

Charles Farina

Application Denial – Initial Registration

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

MOTION: Mr. Langer made a motion to reverse the denial and approve the application with probation to be served concurrent with the criminal probation for at least 1 year.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Patrick Wykle

Application Denial – Examination

Mr. Wykle 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. Tibbs.
Motion passed unanimously.

RECONSIDERATIONS – Michael Flury, Esq., Assistant Attorney General

Martin Rogers – Certified Transfer Application

Mr. Rogers was present and sworn in by the court reporter and represented by counsel Mike Durant, Esq.

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

SECOND: Mr. Tibbs.
Motion passed unanimously.

Larry Menesses – Limited Energy Specialty Examination

Mr. Menses was not present nor represented by counsel.

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

SECOND: Mr. Hoffmann.
Motion passed unanimously.

Arias Constantino – Unlimited Electrical Contractor Examination

Mr. Constantino was not present nor represented by counsel.

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

SECOND: Mr. Huff.
Motion passed unanimously.

Christopher Cooper – Limited Energy Specialty Examination

Mr. Cooper was not present nor represented by counsel.

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

SECOND: Mr. Huff.
Motion passed unanimously.

REQUESTS FOR VARIANCE OR WAIVER – Michael Flury, Esq., Assistant Attorney General

Jose Rosado, Initial Licensure as Unlimited Electrical Contractor

Mr. Rosado was not present nor represented by counsel.

MOTION: Mr. Flaherty made a motion to grant the waiver and allow Mr. Rosado to use his existing business exam scores for the new license.

SECOND: Mr. Huff.

Motion passed unanimously.

Farshid Pourgolafshan, Initial Licensure as Unlimited Electrical Contractor
Mr. Pourgolafshan was present and sworn in by the court reporter.

MOTION: Mr. Sandefer made a motion to grant the waiver and allow Mr. Rosado to use his business exam scores for the new license.

SECOND: Mr. Tibbs.

Motion passed unanimously.

PROSECUTING ATTORNEY'S REPORT – Charles Tunnicliff, Esq., Chief Professions Attorney

Mr. Tunnicliff 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 July 23, 2008.

- 15 cases assigned to Legal after investigation
- 28 cases set for Probable Cause presentation
- 6 cases where an Administrative Complaint has been filed
- 0 case where Probable Cause was found
- 1 cases awaiting outside action
- 0 cases requesting a Formal Hearing
- 0 cases sent to consultant / expert
- 5 cases set for Board presentation
- 0 case referred to DOAH
- 1 cases awaiting Final Order
- 2 cases for settlement negotiations
- 2 case ready for default
- 0 cases for Stipulation or Request for Informal Hearing
- 0 cases requiring supplemental investigation
- 1 case pending informal hearing
- 59 total cases in Legal
- 8 cases a year old or more

UNLICENSED ACTIVITY REPORT – Charles Tunnicliff, Esq., Chief Professions Attorney

Mr. Tunnicliff 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 July 2008.

- 101 cases in OGC

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- 7 cases awaiting further investigation / expert report
- 7 cases awaiting Probable Cause determination
- 0 cases Probable Cause Found
- 4 cases where an Administrative Complaint has been filed
- 0 cases requesting an Informal Hearing
- 0 cases requesting a Formal Hearing
- 9 cases for default / failed to respond to AC
- 4 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 advised the Board of a statutory change which requires a Statement of Estimated Regulatory Costs (SERC) for all proposed rules and rule changes. Mr. Spivey advised the Board that the department was developing a procedure for the SERCs.

Mr. Flury provided the Board with a rules report updating the status of the following rules:

61G6-5.008, F.A.C. adopted 7/14/2008
61G6-10.0015, F.A.C. adopted 7/14/2008
61G6-10.0065, F.A.C. On JAPC hold

MOTION: Mr. Tibbs made a motion to accept the following changes to rule 61G6-8.001.

SECOND: Mr. Sandefer.

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 ~~Technical/Safety~~ examination for electrical or alarm systems contractor shall be one hundred twenty-seven dollars and fifty cents (\$127.50) payable to the Department and sixty-seven dollars and fifty cents (\$67.50) ~~The initial examination fee for the Business Computer Based Test shall be twenty-two dollars and fifty cents (\$22.50)~~ payable to the professional testing service. When the ~~computer based testing (CBT) business portion~~ 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.

(2) through (15) No change.

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Specific Authority 455.217(2), 455.219(1), 489.507(3), 489.509 FS. Law Implemented 455.217(2), 455.219(1), 455.2281, 455.271(8), 489.509, 489.511(2) FS. History—New 1-2-80, Amended 10-27-80, 5-13-81, 5-3-82, 8-4-82, 5-2-83, 1-19-84, Formerly 21GG-8.01, Amended 7-9-86, 12-24-87, 10-30-88, 2-20-89, 8-26-90, 4-1-91, 7-3-91, Formerly 21GG-8.001, Amended 3-14-94, 11-30-94, 4-5-95, 7-13-95, 12-25-96, 6-1-97, 3-10-98, 12-31-98, 10-4-99, 12-27-04, 6-5-08,_____.

MOTION: Mr. Tibbs made a motion to accept the following changes to rule 61G6-5.002, F.A.C.

SECOND: Mr. Sandefer.

Motion passed unanimously.

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

(1) An applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data (including information required to be submitted under Rules 61G6-5.004 and 61G6-5.003, F.A.C., if applicable) to the Department of Business and Professional Regulation. The application shall be accompanied by the application fee. ~~All initial applications for examination must be completed and filed with the Department at least ninety (90) days prior to the date of the Technical/Safety examination that is administered by the Department. All applications not completed by the deadline will be automatically scheduled for the next examination.~~ Any application that is not complete within one year from date of initial filing will be closed. The form is entitled "Examination Application," DBPR ECLB 4451, Effective Date: November 12, 2004, and incorporated herein by reference. Applicants shall also complete the following forms: DBPR 0010, Master Individual Application, Effective Date: November 12, 2004, DBPR ECLB 4454, Work Experience, Effective Date: November 12, 2004, DBPR 0050, Explanatory Information for Background Questions, Effective Date: November 12, 2004, DBPR 0060, General Explanatory Description, Effective Date: November 12, 2004 and DBPR 0030-1, Attest Statement, Effective Date: November 12, 2004, incorporated herein by reference. Copies of the application and other forms required by this rule can be obtained by contacting the Department at the following address: Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0771, or at: <http://www.myflorida.com/dbpr/pro/elboard/forms.html>
<http://www.state.fl.us/dbpr/pro/forms/elboard/index.shtml>.

~~(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' 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 must be submitted to the Department. For re-examination 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.

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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,_____.

MOTION: Mr. Tibbs made a motion to accept the following changes to rule 61G6-5.003, F.A.C.

SECOND: Mr. Sandefer.

Motion passed unanimously.

61G6-5.003 Requirements Application for Examination for Certification.

(1) Any person desiring ~~to take the certification by examination or applying for certification by endorsement pursuant to Section 589.511(6)(a), F.S.,~~ must establish that he or she meets eligibility requirements according to one of the following criteria:

(a) No change.

1. An applicant for certification ~~examination~~ 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. through (4) No change.

Specific 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,_____.

MOTION: Mr. Tibbs made a motion to accept the following changes to rule 61G6-5.009, F.A.C.

SECOND: Mr. Sandefer.

Motion passed unanimously.

61G6-5.009 Endorsement.

(1) No change.

(2) If the applicant seeking licensure by endorsement engages in contracting as a sole proprietorship, then the applicant must demonstrate that:

(a) If the applicant is applying pursuant to Section 489.511(6)(a), F.S., he or she meets the requirements set forth in Section 489.511, F.S., and Rule 61G6-5.003, F.A.C.; and has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination given for certification in Florida. The applicant currently possesses a statewide license as an electrical contractor under the laws of another state, and was required in order to be so licensed to meet standards of credit, financial responsibility, business reputation, and necessary experience or the educational equivalent thereof substantially similar to or more stringent than those required for licensure by Florida law and these rules; and

~~(b) The out of state license was issued upon the satisfactory completion of an examination substantially similar to or more stringent than the examination given by the Department.~~

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~~(b)(e)~~ No change.

(3) If the applicant seeking licensure by endorsement engages in contracting as a partnership, corporation, business trust, or other legal entity, then the applicant must demonstrate that:

(a) If the applicant is applying pursuant to Section 489.511(6)(a), F.S., he or she meets the requirements set forth in Section 489.511, F.S., and Rule 61G6-5.003, F.A.C.; and has passed a national, regional, state, or United States territorial licensing examination that is substantially equivalent to the examination given for certification in Florida; or ~~The applicant currently possesses a statewide license as an electrical contractor under the laws of another state, and was required in order to be so licensed to meet standards of credit, financial responsibility, and business reputation substantially similar to or more stringent than those required by Florida law and these rules; and~~

~~(b) The out of state license was issued upon the satisfactory completion of an examination by the applicant's qualifying agent which examination is substantially similar to or more stringent than the examination given by the Department; and~~

~~(c) The qualifying agent of the applicant was required under the laws of the other state to possess; and~~

~~(b)(d)~~ No change.

(4) through (5) No change.

Specific Authority 489.507(3), 489.511(6) FS. Law Implemented 489.511(9) FS. History--New 1-2-80, Amended 10-30-80, Formerly 21GG-5.09, 21GG-5.009, Amended 2-13-97, _____.

PROBATION COMMITTEE REPORT - Paul Sandefer

The Board reviewed the probation report of Jonathan Bergren.

MOTION: Mr. Sandefer made a motion to accept the report presented.

SECOND: Mr. Tibbs.

Motion passed unanimously.

UNLICENSED ACTIVITY (ULA) REPORT – Paul Sandefer

Mr. Sandefer requested a report from Michael Green and asked Mr. Spivey to invite Mr. Green and his investigators attend meetings if possible.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

Mr. Spivey presented the members with March 2008 financial reports for the operating account and the unlicensed activity account.

EXAMINATION REPORT – Clarence K. Tibbs

The board was provided with statistics for 2008 and passing rates.

ENDORSEMENT REPORT - Donald Penner

No changes were made to the matrix.

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. Sandefer.

Motion passed unanimously.

See Exhibits A & B.

OLD BUSINESS/ NEW BUSINESS

Bob Ireland with the Alarm Association of Florida addressed the Board about the 14 FASA and BASA courses and how to handle renewal of agents who failed to take the 6 hour course within 2 years.

The Board suggested the association file a Petition for Declaratory Statement and indicated the 14 hour course was a 1 time requirement.

Mr. Sandefer provided the members with a brief summary of the joint meeting he attended with the CILB regarding Solar Contracting and the Minutes of that meeting.

BOARD COUNSEL'S REPORT – Michael Flury, Esq., Assistant Attorney General

No report given.

EXECUTIVE DIRECTOR'S REPORT – Anthony B. Spivey

Mr. Spivey asked the Board who they wanted to designate to attend the NASCLA conference. The Board nominated Mr. Langer and Mr. Spivey to attend the meeting.

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

The Board reviewed a request from M.C. Dean to accept the CE credits for a course he took out of state that was not yet approved by the Board.

MOTION: Mr. Tibbs made a motion to accept the CE credits

SECOND: Mr. Sandefer.

Motion passed unanimously.

ELECTION OF OFFICERS

Mr. Sandefer nominated Clarence Tibbs for Chairman and Noel Thomas for Vice-Chairman.

MOTION: Mr. Flaherty made a motion to close nominations and accept Clarence Tibbs as Chairman and Noel Thomas as Vice Chairman.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

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CHAIRPERSON'S COMMENTS – Pierre Bellemare

Mr. Bellemare thanked the Board for their efforts during his time as Chairman.

Adjournment.