

**MINUTES FROM THE
MARCH 18-19, 2010
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Hilton Cocoa Beach Oceanfront
1550 North Atlantic Avenue
Cocoa Beach, FL 32931
March 17, 18 & 19, 2010**

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

**PLEDGE OF ALLEGIANCE
INVOCATION**

ROLL CALL

Members Present

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

Members Absent

None

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 – American Court Reporting Ph: 407-896-1813

Approval of the Agenda

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

SECOND: Mr. Flaherty.

Motion passed unanimously.

Disciplinary Cases – LeChea Parson, Assistant General Counsel

Timothy Bruno
EC13013048
2008-048899
Hearing
J&J Telecom & Electric, Inc
Recused: Thomas & Bellemare

Mr. Bruno was present and sworn in by the court reporter. Mr. Bruno was charged with violation of 489.533(1)(r), F.S., failure to obtain permits or inspections.

MOTION: Mr. Huff made a motion to adopt the findings of fact as stated in the administrative complaint with correction of the license number.

SECOND: Mr. Bramlett.

Motion passed unanimously.

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to impose costs of \$148.53 and issue a reprimand.

SECOND: Mr. Bramlett.

Motion passed unanimously.

Philip Hatt
ER10964
2008-034902
Hearing
Recused: Thomas & Bellemare

Mr. Hatt was not present nor represented by counsel. Mr. Hatt was charged with violation of 489.533(1)(s), F.S., practicing beyond the scope of his license.

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

SECOND: Mr. Flaherty.

Motion passed unanimously.

MOTION: Mr. Flaherty made a motion to adopt the 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 \$1,500, costs of \$351.02 and 1 year suspension of license requiring appearance before the Board for reinstatement.

SECOND: Mr. Langer.

Motion passed unanimously.

Frederick Hovarter

EC1975

2009-006781

Generous Electric

Hearing

Recused: Thomas and Bellemare

Mr. Hovarter was present and sworn in by the court reporter. Mr. Hovarter was charged with violation of 489.533(1)(r), F.S., proceeding on any job without obtaining local permits or inspections.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

MOTION: Mr. Tibbs made a motion to impose costs of \$269.14 and issue a reprimand.

SECOND: Mr. Langer.

Motion passed unanimously.

Michael Perla

EG15

2008-018386

American Alarms, Inc.

Motion for Waiver of Rights

Recused: Thomas & Bellemare

Mr. Perla was not present nor represented by counsel. Ms. Perla was charged with violation of 489.533(1)(a), F.S. and 455.227(1)(q), F.S. failure to comply with a lawful order of the Board.

MOTION: Mr. Sandefer made a motion that the respondent waived his right to hearing.

SECOND: Mr. Tibbs.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to adopt the findings of fact and conclusions of law as stated in the administrative complaint.

SECOND: Mr. Huff.

Motion passed unanimously.

MOTION: Mr. Flaherty made a motion to impose a fine of \$5000 and costs of \$259.65.

SECOND: Mr. Sandefer.

Motion passed unanimously.

Bobby Serota
EC1485
2008-039873
Academy Electric, Inc.
Motion for Waiver of Rights
Recused: Bellemare & Bramlett

Mr. Serota was not present nor represented by counsel. Mr. Serota was charged with 489.533(1)(l), F.S. contracting in a name other than licensed.

MOTION: Mr. Flaherty made a motion that the respondent waived his right to hearing.

SECOND: Mr. Sandefer.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to adopt the findings of fact and conclusions of law as stated in the administrative complaint.

SECOND: Mr. Langer.

Motion passed unanimously.

MOTION: Mr. Flaherty made a motion to impose a fine of \$7,500, costs of \$488.90, restitution to the customer and revocation of licensure.

SECOND: Mr. Langer.

Motion passed unanimously.

Rene Valdes
ER5776
2009-034136
Demco Electric Company
Motion for Waiver of Rights
Recused: Tibbs, Bellemare & Bramlett

Mr. Valdes was not present nor represented by counsel.

Mr. Valdes requested a continuance.

MOTION: Mr. Langer made a motion grant the continuance.

SECOND: Mr. Hoffmann.
Motion passed unanimously.

Charles Hart
EC1485
2009-016013
Platinum Protection, LLC
Settlement Stipulation
Recused: Tibbs, Bellemare & Bramlett

Mr. Hart was not present nor represented by counsel. Mr. Friedrich was charged with violation of 489.533(1)(r)1,F.S., proceeding on a job without permits or inspections.

MOTION: Mr. Flaherty made a motion to adopt the findings of fact and conclusions of law as stated in the administrative complaint.

SECOND: Mr. Langer.
Motion passed unanimously.

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

SECOND: Mr. Langer.
Motion passed unanimously.

MOTION: Mr. Hoffmann made a motion to offer a counter of a fine of \$2,500, costs of \$66.61 and a revocation of licensure.

SECOND: Mr. Flaherty.
Motion passed unanimously.

APPLICATION REVIEW –Noel Thomas, Chairman
Second Business Applications

The following applicants were present during this portion of the meeting:

Clarke, Anthony- Comprehensive Fire Alarms & Security Systems Inc
Gonzalez, Ryan- Lakeside Electrical Services LLC
Haight, Gary- Jkg Capital Management LLC DbA Cress
Hernandez, Santiago- North Florida Building And Construction Co
Hines, Mervin L- Central Fire & Communications Inc
Holler, Darrell F- Burgess Signs Inc
Hoppmann, Charles- White Lighting And Electric Company
Hughes, David- Branding Dynamics LLC
Johnson, Jay Aubrey- Live Wire Technologies Inc
Johnson, Jeremy David- Johnson Systems Inc
Kamin, William- Metro-Fire Protection Services, Inc
Lyons, William C- Howard Iii Industries LLC
Nodruff, Roger- Hi-D Enterprises Inc DbA Schultz Low Voltage Systems
Nusz, Douglas- Cnd Electrical Contracting Inc

Polanco, Gilbert J- Ray Allen Electrical Service Inc
Rodriguez, Jorge- J & R Security & Network Solutions Corp
Sasson, Issac- Sunair Solar Power Corp.
Shields, Stephen Van- Prosolar Systems LLC
Richards, Joseph- Florida Fire Systems LLC
De Los Reyes Gavilan, Aristedes- Loxia Tech Services
Himes, Charles- A & H Fire Systems, Inc
James, Harry- James Electric Inc
Mason, Stephen W- Above All Specialty Services LLC
Young, Albert- Intertech Security Of Florida, LLC Dba Access Logic
Mckinney, William Powell Iii- Bacck Electric LLC
Crockett, Samuel David- Btb Lighting & Supply, 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. Flaherty 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.

PETITION FOR VARIANCE OR WAIVER, Deborah Loucks, Esq., Assistant Attorney General

Britt Knight - Waiver of Business Examination

Mr. Knight was not present nor represented by counsel.

MOTION: Mr. Tibbs made a motion to deny the petition as moot.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

REQUEST FOR REINSTATEMENT OF LICENSURE, Deborah Loucks, Esq., Assistant Attorney General

Nathaniel Richardson, Case # 2007-003538

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

MOTION: Mr. Hoffmann made a motion to remove fine and restitution from the final order, allow the respondent 2 years to pay costs and stay the suspension for 2 years to verify payment of costs.

SECOND: Mr. Tibbs.

Motion passed unanimously

PETITION FOR RECONSIDERATION OF FINAL ORDER, Deborah Loucks, Esq., Assistant Attorney General

Fernando Loza, Case # 2006-049180

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

MOTION: Mr. Flaherty made a motion to deny the petition.

SECOND: Mr. Bramlett.

Motion failed 4 in favor 5 opposed

MOTION: Mr. Tibbs made a motion to grant the petition, rescind the final order and accept voluntary relinquishment of the license with fines and costs already paid as provided in the original final order.

SECOND: Mr. Bellemare.

Motion passed 5 in favor 4 opposed (Bramlett, Thomas, Flaherty and Langer)

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

Allan Mairena

Application Denial – Endorsement

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

MOTION: Mr. Huff made a motion to uphold the denial.

SECOND: Mr. Bramlett.

Motion passed unanimously.

MOTION: Mr. Tibbs made a motion to permit the applicant to withdraw the application.

SECOND: Mr. Bramlett.

Motion passed unanimously.

Michael Mansfield

Application Denial – Endorsement

Mr. Mansfield 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. Bellemare.

Motion passed unanimously.

John McClure

Application Denial – Endorsement

Mr. McClure was present and sworn in by the court reporter, he was represented by Richard Yeldorton, Esq.

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

Keith McGinnis

Application Denial - Endorsement

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

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Keith Morris

Application Denial - Endorsement

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

MOTION: Mr. Bellemare 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.

Kevin Piper

Application Denial – Initial by Examination

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

MOTION: Mr. Bellemare made a motion to uphold the denial for failure to demonstrate experience in the trade.

SECOND: Mr. Langer.

Motion passed unanimously.

Carl Pursell

Application Denial – Initial by Examination

Mr. Pursell 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.

Herbert Russell

Application Denial - Endorsement

Mr. Russell 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. Bramlett.

Motion passed unanimously.

Denver Stover

Application Denial – Additional Business

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

Mr. Bellemare was recused.

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

RECONSIDERATIONS – Deborah Loucks, Esq., Assistant Attorney General

Michael Burchell

Application Denial – Additional Business

Mr. Burchell was present and sworn in by the court reporter, he was represented by Blaik Ross, Esq.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Dmitriy Yakovenko – Request to Withdraw Application

Mr. Yakovenko was not present nor represented by counsel.

MOTION: Mr. Sandefer made a motion to withdraw the application.

SECOND: Mr. Bramlett.

Motion passed unanimously.

UNLICENSED ACTIVITY REPORT – LeChea Parson., Assistant General Counsel

No report given.

LEGISLATIVE REPORT

Mr. Flaherty informed the Board SB 508, dealing with journeymen is still pending.

RULES REPORT – Clarence K. Tibbs

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

Rule 61G6-5.002, F.A.C. – Rule Development Published
Rule 61G6-5.003, F.A.C. – Rule Development Published
Rule 61G6-5.0061, F.A.C. – Notice Published
Rule 61G6-5.009, F.A.C. – Notice Published
Rule 61G6-8.001, F.A.C. – Notice Published
Rule 61G6-8.002, F.A.C. – Notice Published
Rule 61G6-10.0065, F.A.C. – Notice Published

PROBATION COMMITTEE REPORT

MOTION: Mr. Sandefer made a motion to accept the probation reports of William Rye, Arnold Pearson and Saverio Cerra.

SECOND: Mr. Tibbs.

Motion passed unanimously.

UNLICENSED ACTIVITY (ULA) REPORT – Paul Sandefer

No report given.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

No report given.

EXAMINATION REPORT – Kenneth Hoffmann

The Board reviewed a report showing pass/fail rates for February 2010.

ENDORSEMENT REPORT -

The Board determined that it no longer recognized the following examinations as substantially similar for the purpose of endorsement, Georgia's LVA, LVU, LVT and LVG. The board determined this would apply to any applications received after March 18, 2010.

RATIFICATION OF APPLICATIONS

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

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

See Exhibits A,B & C.

APPROVAL OF MINUTES

MOTION: Mr. Tibbs made a motion to approve the minutes from January 2010 and September 2009 as presented.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

OLD BUSINESS/ NEW BUSINESS

Bob Carr, Chief Electrical Inspector for Palm Beach County asked the Board to look into issues with contractors working outside the scope of their license, specifically Limited Energy Specialty Contractors. The Board will look at revising the Limited Energy Specialty rule to address this issue.

Mr. Sandefer asked that information be included in the next newsletter stating the Photovoltaic work is within the scope of the Electrical Contractor license. The Board also asked Ms. Chastain to meet with the Executive Director of the CILB regarding solar issues.

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 15, 2010.

- 1 cases requiring supplemental investigation
- 15 cases assigned to Legal after investigation
- 34 cases set for Probable Cause presentation

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

Ms. Loucks informed the Board of some pending legislation that could change the process for rules. She also informed the Board they were not required to have a consumer member on the Probable Cause Panel.

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.

Ms. Chastain also provided the board with statistics on the recent sweeps from the Division of Regulation.

CHAIRPERSON'S COMMENTS – Noel Thomas

Mr. Thomas noted that this was possibly the last meeting for Mr. Bellemare and Mr. Huff and thanked them for their efforts and dedication to the Board.

Mr. Bellemare and Mr. Huff both thanked the Board.

Adjournment.