

**MINUTES FROM THE
May 15-16, 2008
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Hilton Daytona Beach Oceanfront
Daytona Beach, FL**

The Board Meeting was called to order by Chairman Pierre Bellemare at 8:35 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

Members Absent

Donald C. Penner - excused
Sandra MacGowan - unexcused

Others Present

Anthony B. Spivey, Executive Director
Ruthanne Christie, Government Analyst I
Michael Flury, Esq., Assistant Attorney General
Charles Tunnicliff., Chief Professions Attorney
Court Reporter – Volusia Reporting, PH: 386-255-2150

Approval of the Agenda

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Approval of the Minutes

MOTION: Mr. Tibbs made a motion to approve the minutes from the March 2008 Meeting with a correction to page 2.

SECOND: Mr. Huff.

Motion passed unanimously.

Disciplinary Cases – Charles Tunnickliff, Chief Professions Attorney

Allen John Fonkin
d/b/a Qwest Systems, Inc.
641 SW 1st Court
Hallandale, FL 33009
Motion for Waiver of Rights
License #: EH 60
Case #: 2006-058544
Recused: Tibbs, Penner, Thomas

Mr. Fonkin was not present nor represented by counsel.

MOTION: Mr. Flaherty made a motion to find a waiver of rights and accept the findings of fact and conclusions of law.

SECOND: Mr. Langer.
Motion passed unanimously.

MOTION: Mr. Langer made a motion to impose a \$5,000 fine, \$318.71 costs and revocation of the license and restitution.

SECOND: Mr. Langer.
Motion passed unanimously.

Patrick Egan
d/b/a Security Partners, LLC
PO Box 1706
Lancaster, PA 17608
Stipulation
License #: EF 1207
Case #: 2007-045578
Recused: Tibbs, Penner, Thomas

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

MOTION: Mr. Flaherty made a motion to accept the stipulation to impose a \$1,500 fine and \$229.84 costs.

SECOND: Mr. Langer.
Motion passed unanimously.

Floyd Smothers
d/b/a Optimal Electric, Inc.
3655 Rollin' O' Lane
Opopka, FL 32703-9311
Hearing pursuant to 120.57(2)
License #: EC 2772

Case #: 2007-021118
Recused: Tibbs, Penner, Thomas

Mr. Smothers was present and sworn in by the court reporter, he was represented by Paul Mascia, Esq.

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

SECOND: Mr. Langer.
Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to impose a \$500 fine and \$32.48 costs.

SECOND: Mr. Huff.
Motion passed unanimously.

APPLICATION REVIEW

Second Business Applications

Anderson, William - East Coast Utilities LLC; Brown, Steven - IES Commercial Inc Dba Aladdin Ward Electric & Air; Cristiano, Patrick - Pla Electric Inc; Darnall, David - US Metropolitan Telecom LLC dba Truwave Networks LLC; Darnall, David - KT Fiber Solutions LLC Dba Fiber Solutions LLC; Davis, Harold - Davis And Sons Electrical Contractors Inc; Dunkley, Daniel - Short Stop Electrical Contractors Of Florida Inc; Garalde, Claudio - Certified Alarms Of Central Florida LLC; Gonzalez, Wilfredo - A Bernal Services Corp; Greengrass, David - Digital Detection Systems Inc; Ironmanger, Frank - Electrical Associates LLC; Jordan, Glen - LV Technologies Inc; Kinsman, John - Devane Electric Inc; Martinez, Wilson - Wm Electrical LLC; Mesa, Raul - Gm Electrical Contractors Inc; Morgan, Timothy - Barrett Electric LI; Morgan, Timothy - Morgan Technology Group LLC; Nieto, Antonio - Quality First Electric Corp; O'connor, Michael - North Star Electric LLC; Perry, Richard - Security Networks Acceptance LLC; Rairdon, Eric - Lcn Inc Dba Consolidated Parking Equipment; Rodriguez, Carlos - Rop Enterprises Corp; Serer, Brian - Atlas Service Inc; Smith, Lon - Queen Electric Inc; Snyder, Michael - Di Security Monitoring Inc; Zuniga, James - Miami-Dade Corrections & Rehabilitation Department;

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**

Howard Babbitt

Application Denial - Additional Business

Mr. Babbitt was present and sworn in by the court reporter and asked the additional business questions.

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

SECOND: Mr. Flaherty.

Motion passed unanimously.

Louie Lassetter

Application Denial – Additional Business Application

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

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

SECOND: Mr. Flaherty.

Motion passed unanimously.

Michael Sanders

Application Denial – Additional Business

Mr. Sanders was not present and nor represented by counsel. No action was taken on the application; there was no request for a hearing in the materials.

Terrence Knight

Application Denial – Additional Business Application

Mr. Knight 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 7 in favor, 2 opposed (Mr. Langer and Mr. Flaherty).

Timothy Bruno

Application Denial – Initial Registration

Mr. Bruno was not present nor represented by counsel.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Gary Michael Roberts

Application Denial – Endorsement

Mr. Roberts was not present nor represented by counsel.

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

SECOND: Mr. Langer.

Motion passed unanimously.

Christopher Cox

**Application Denial – Unlimited Electrical Contractor Examination
Application**

Mr. Cox was present and sworn in by the court reporter, he was represented by counsel, Mary Ellen Coberg, Esq.

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

David Wright

Application Denial – Residential Specialty Examination

Mr. Wright 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. Langer.

Motion passed unanimously.

Ryan Lewis

Application Denial – Limited Energy Examination

Mr. Lewis 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. Langer.

Motion passed 8 in favor 1 opposed.

John Sylvia

Application Denial – Unlimited Electrical Contractor Examination Application

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

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

RECONSIDERATIONS – Michael Flury, Esq., Assistant Attorney General

Michael Schrager

Withdrawal Request

Mr. Schrager was not present nor represented by counsel.

MOTION: Mr. Huff made a motion to accept the withdrawal and rescind the Notice of Intent to Deny.

SECOND: Mr. Tibbs

Motion passed unanimously.

Kenneth Holmes – Request for reinstatement of License

Mr. Holmes was present and sworn in. Ms. Christie informed the Board that the fines and costs in Mr. Holmes case were paid in full.

MOTION: Mr. Sandefer made a motion to lift the suspension and reinstate the license.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Scott Dolhon - Request for reinstatement of License

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

MOTION: Mr. Flaherty made a motion to lift the suspension and reinstate the license conditioned on Mr. Dolhon providing proof of satisfaction from City Electric within 10 days.

SECOND: Mr. Huff.

Motion passed 7 in favor 2 opposed.

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

Mr. Tunncliff 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 May 9, 2008.

- 16 cases assigned to Legal after investigation
- 18 cases set for Probable Cause presentation
- 7 cases where an Administrative Complaint has been filed
- 0 case where Probable Cause was found
- 0 cases awaiting outside action
- 1 cases requesting a Formal Hearing
- 0 cases sent to consultant / expert
- 5 cases set for Board presentation
- 1 case referred to DOAH
- 0 cases awaiting Final Order
- 2 cases for settlement negotiations
- 3 case ready for default
- 0 cases for Stipulation or Request for Informal Hearing
- 1 cases requiring supplemental investigation
- 1 case pending informal hearing
- 55 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 March 2008.

- 47 cases in OGC
- 5 cases awaiting further investigation / expert report
- 0 cases awaiting Probable Cause determination
- 1 cases Probable Cause Found
- 16 cases where an Administrative Complaint has been filed
- 0 cases requesting an Informal Hearing
- 0 cases requesting a Formal Hearing
- 13 cases for default / failed to respond to AC
- 9 cases hearing held; awaiting final order
- 0 cases referred to DOAH
- 0 cases on appeal

LEGISLATIVE REPORT - Brian Flaherty

The Board was provided with information on a proposal to allow applicants to take the exam before review of their qualifications by the board.

RULES REPORT – Clarence K. Tibbs

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

61G6-5.008, F.A.C. notice published 5/2/2008
61G6-5.0061, F.A.C. notice of change published 5/2/2008
61G6-8.001, F.A.C. notice published 4/11/2008
61G6-10.0015, F.A.C. notice published 5/2/2008
61G6-10.0065, F.A.C. notice of change published 5/2/2008

The Board asked Mr. Flury to verify the limited energy definition had been changed to 98 volts.

Mr. Tibbs was designated to draft rule language clarifying the 14 hour FASA and BASA courses were a 1 time only requirement and if the agent did not timely renew they are only required to take the 6 hour course to become current.

PROBATION COMMITTEE REPORT - Paul Sandefer

The Board reviewed the probation reports of Jonathan Bergren, Kenwin Logan & Thomas Walker.

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

SECOND: Mr. Tibbs.

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 was provided with a written update on the computer based examination and statistics for 2007 and 2008 passing rates.

ENDORSEMENT REPORT - Donald Penner

The Board directed Ms. Christie to revise the application for endorsement to include proof of experience.

The Board agreed to add the North Carolina Limited License to the matrix as substantially similar to the Florida Residential Electrical Specialty.

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 & D).

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

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SECOND: Mr. Langer.
Motion passed unanimously.

See Exhibits A, B, C & D.

OLD BUSINESS/ NEW BUSINESS

The Board was informed there would be a joint committee meeting with the CILB to discuss solar contracting.

The Board reviewed a letter from Ralph Venture, Esq. on behalf of Ceasar Electric Corp. re: the erection of a non electrical sign by an EC. The Board declined to comment due to the fact the work was not electrical and therefore not under their jurisdiction.

The Board reviewed a letter from Stacy Welch, Senior Fire Protection Engineer, Marriott International asking if a license is required for fire alarm testing. The Board responded that per 489.5185(2)(c), F.S. this work can be performed by either an Alarm Contractor or an Electrical Contractor or an employee supervised by them.

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

No report given.

EXECUTIVE DIRECTOR'S REPORT – Anthony B. Spivey

The Board was provided a list of proposed meeting dates for fiscal year 2008-2009.

July 23-25, 2008
September 24-26, 2008
November 19 -21, 2008
January 21 -23, 2009
March 18 – 20, 2009
May 20 -22, 2009

Mr. Spivey directed the Board's attention to the Enforcement report which was provided for their information.

CHAIRPERSON'S COMMENTS – Pierre Bellemare

Mr. Bellemare thanked the Board for their efforts.

Adjournment.

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