

**MINUTES FROM THE
Electrical Contractors' Licensing Board Meeting
May 14-15, 2009
Embassy Suites Hotel
USF/Busch Gardens
3705 Spectrum Blvd.
Tampa, FL 33612**

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
Kenneth Hoffmann
Reagan Huff

Members Absent

None

Others Present

Juanita Chastain, Executive Director
Ruthanne Christie, Government Analyst I
Michael Flury, Esq., Assistant Attorney General
LeChea Parson, Assistant General Counsel
Court Reporter – Argus Reporting Ph: 813-490-0003 or 813-631-2181

Disciplinary Cases – LeChea Parson, Assistant General Counsel Attorney

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

Mr. Johnson was present and sworn in, he was represented by Tom Fitzgibbons, Esq.

Electrical Contractors' Licensing Board
Meeting Minutes
May 2009

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

SECOND: Mr. Flaherty.

The motion passed unanimously.

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

SECOND: Mr. Bramlett.

The motion passed unanimously.

MOTION: Mr. Sandefer made a motion to impose a fine of \$750 and costs of \$172.44 and proof of restitution.

SECOND: Mr. Bramlett.

The motion passed unanimously.

Tony Finno

Hearing pursuant to 120.57(2), F.S.

License #: ES 13002831

Case #: 2007-055012

Recused: Thomas, Tibbs

Continued to the next meeting.

Ray E. Williams

Hearing pursuant to 120.57(2), F.S.

License #: ES 13002989

Case #: 2007-041174

Recused: Thomas, Tibbs

Continued to the next meeting.

Richard Oldham

Hearing pursuant to 120.57(2), F.S.

License #: ES12000491

Case #: 2007-041164

Recused: Thomas, Tibbs

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

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

SECOND: Mr. Sandefer.

The motion passed unanimously.

Electrical Contractors' Licensing Board
Meeting Minutes
May 2009

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

SECOND: Mr. Bramlett.

The motion passed unanimously.

MOTION: Mr. Sandefer made a motion to impose a fine of \$500 and costs of \$291.61 and cited mitigating circumstances as confusion in the industry.

SECOND: Mr. Bramlett.

The motion passed unanimously.

Jorge L. Hernandez
Settlement Stipulation
License #: EC 1359
Case #: 2007-061224
Recused: Thomas, Bellemare

Mr. Hernandez was present and sworn in, he was represented by Tim Atkinson, Esq.

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

SECOND: Mr. Bramlett.

The motion passed unanimously.

MOTION: Mr. Langer made a motion to offer a counter stipulation of a fine of \$1,000 and costs of \$240.79 and 1 year probation.

SECOND: Mr. Bramlett.

The motion passed unanimously.

Dewitt Jackson Maxwell
Settlement Stipulation
License #: EC 2560
Case #: 2007-021753
Recused: Thomas, Bellemare

MOTION: Mr. Sandefer made a motion to accept the settlement stipulation imposing \$1000 fine and \$212.00 costs.

SECOND: Mr. Flaherty.

The motion passed unanimously.

* note scrivner error respondent has 30 days to pay fines not 300 days as stated in the stipulation

Arnold F. Pearson
Settlement Stipulation
License #: ER 005216
Case #: 2008-010735

Electrical Contractors' Licensing Board
Meeting Minutes
May 2009

Recused: Thomas, Bellemare

MOTION: Mr. Flaherty made a motion to accept the settlement stipulation imposing a \$1500 fine, \$485.88 in costs and 1 year probation.

SECOND: Mr. Langer.

The motion passed unanimously.

Nathaniel P. Richardson

Motion for Waiver

License #: EC 997

Case #: 2007-003538

Recused: Thomas, Bellemare

Continued to the next meeting.

Scott Dolhon

Motion for Waiver

License #: ER 10097

Case #: 2008-018414

Recused: Thomas, Bellemare

Continued to the next meeting.

APPLICATION REVIEW

Second Business Applications

Arcuri, Anthony - Florida Burglary Central Inc

Bessette, Dennis - Accord Electric Of Florida Inc

Boice, Clayton - Clayton's Electric Service Inc

Cancio, George - Midwest Electric Services Inc

Cope, Glenn - All Redneck Electric LLC

Daly, David - Melco Electric Inc

Duplain, David - Diversified Power And Cable Inc

Flynn, Joseph - Hoops Electric Inc

Frantz, Stephen - Motor City Electric Technologies Inc

Garcell, Luis - Advanced Power Electrical Contractors Inc

Garcia, Jesus - Redient Systems Corporation

Germaine, Wavell - Alert One Inc

Hatton, Kevin - Security And Date Solutions LLC

Hernandez, Jorge - Jorge Hernandez Electrical Contractor LLC

Kennedy, Jay - Bpl Global Ltd Inc

Kohler, Joseph - Kohler Construction Sevices Inc

Largent, Peter - Definitive Electric Inc

Marconis, Patrick - Aces Electric LLC

Melnick, Timothy - Stanley Security Solutions Inc

Morales, Alejandro - Secure Access And Surveillance LLC

Ortkkiese-Comer, Brian - Comer Electric Inc

Patel, Mahendra - Safe Harbor ElectricInc

Perna, Todd - Community Security Services Inc

Electrical Contractors' Licensing Board
Meeting Minutes
May 2009

Phillips, James - Florida Power Specialists Inc
Plamondon, Roberta - Itran Partners Inc
Robbins, Murray - Electrical Masters By Mjr Inc
Robbins, Murray - Monitrust Security Inc
Robinson, James - Counterforce Inc
Smith, Nathaniel - Mars Alarm LLC
Starling, William - Sign Matrix Inc
Tavares, Jack - Security Innovative Solutions Inc
Theriahult, Steve - Frank Olvera Electric LLC
Thomas, Robert - Electronic System Services Inc
Tucker, Thomas - Peay's Electric II Inc
Turner, Mark - Advanced Design Technology Systems Inc
Gancedo, Carlos - Gancedo Technologies
Sagastume, Felipe – Royce Parking Controls
Martinez, Luis - AlphaOmega

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.

Petition for Declaratory Statement, Michael Flury, Esq., Assistant Attorney General

TEKSystems Petition for Declaratory Statement on licensure requirements for staffing services company and/or their employees

Greg Nichols, Esq. was present with Jeremy McGraw on behalf of TEKSystems.

MOTION: Mr. Sandefer made a motion to approve the request and practice stating it was acceptable under 448.26, F.S.

SECOND: Mr. Huff.

Motion passed unanimously.

Recommended Orders, Michael Flury, Esq., Assistant Attorney General

Michael Oberstein
Application Denial - Initial by Endorsement

Continued to next meeting.

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

Tony Well
Application Denial – Additional Business

Mr. Well 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. Bellemare.
Motion passed unanimously.

Antonio D. Alfonso
Application Denial – Initial Registration

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

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

SECOND: Mr. Bellemare.
Motion passed unanimously.

Reconsiderations, Michael Flury, Esq., Assistant Attorney General

Brett Bean
Application Denial – Initial by Examination
Mr. Bean 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. Huff.
Motion passed unanimously.

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

Ron C. Mosley – EF0000265

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

MOTION: Mr. Sandefer made a motion to reinstate the license to inactive status.

SECOND: Mr. Bellemare.

Motion passed unanimously.

Ezequiel Ramos – ER13012662

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

MOTION: Mr. Sandefer made a motion to reinstate the license to inactive status.

SECOND: Mr. Bramlett.

Motion passed unanimously.

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 March 17, 2009.

- 7 cases in Legal after investigation
- 28 cases set for Probable Cause presentation
- 11 cases where an Administrative Complaint has been filed
- 0 cases for reconsideration
- 5 cases pending Supplemental Investigation
- 7 cases requesting a Formal Hearing
- 14 cases set for Board presentation
- 1 cases awaiting Final Order
- 3 cases for settlement negotiations
- 45 cases a year old or more

UNLICENSED ACTIVITY REPORT – LeChea Parson, Assistant General Counsel

No report given.

LEGISLATIVE REPORT - Brian Flaherty

Mr. Flaherty informed the Board that House Bill 299 regarding the lien law and the Senate Bill regarding Journeymen did not get passed this session.

RULES REPORT – Clarence K. Tibbs

No report given.

PROBATION COMMITTEE REPORT - Paul Sandefer

The Board reviewed the probation reports of Anthony Diodato, Saverio Cerra and Patrick Egan.

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 – Kenneth Hoffmann

The Board reviewed the FY 2009 exam statistics.

ENDORSEMENT REPORT

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. Bramlett made a motion to ratify the lists as presented.

SECOND: Mr. Thomas.

Motion passed unanimously.

Mr. Bellemare was recused.

See Exhibits A & B.

OLD BUSINESS/ NEW BUSINESS

Discussion of Sign Contracting Memo - The Board stated non-electrical sign contractors cannot include electrical work in their contracts.

Discussion of Low Voltage Memo - The Board determined the memo regarding permitting was outside the Board's authority and decided to retract the memo.

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

Mr. Flury introduced Deborah Loucks, Esq., Assistant Attorney General who will be taking over as Board Counsel for the Electrical Contractors' Licensing Board.

EXECUTIVE DIRECTOR'S REPORT – Juanita Chastain

The Board reviewed the Enforcement report and proposed travel dates.

Electrical Contractors' Licensing Board
Meeting Minutes
May 2009

Ms. Chastain informed the Board of the upcoming NASCLA conference, the Board agreed to change the September 2009 meeting dates to September 23-25 so it would not conflict with the conference.

MOTION: Mr. Sandefer made a motion to send the Executive Director and Chair to the conference.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

Ms. Chastain will submit travel request for the Chairman and herself to attend the 2009 NASCLA.

CHAIRPERSON'S COMMENTS – Clarence Tibbs

Mr. Tibbs adjourned the meeting.

Adjournment.