

**MINUTES FROM THE
Electrical Contractors' Licensing Board Meeting
November 20 & 21, 2008
Department of Business and Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399**

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

Members Absent

Donald C. Penner
Reagan Huff
Kenneth Hoffmann

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 – Accurate Stenotype Reporters, Inc. PH: 850-878-2221

Mr. Sandefer gave the invocation and led the pledge of allegiance.

Mr. Spivey presented Mr. Bellemare with a plaque and thanked him for his time as Chairman.

Approval of the Agenda

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

Disciplinary Cases – LeChea Parson, Assistant General Counsel Attorney

Electrical Contractors' Licensing Board
Meeting Minutes
November 2008

Richard L. Ambrust
Hearing pursuant to 120.57(2), F.S.
License #: ER 0002858
Case #: 2006-040303
Recused: Thomas, Tibbs, Penner

Pulled for lack of quorum

Gregory L. Yoder
Hearing pursuant to 120.57(2), F.S.
License #: ES 208
Case #: 2006-068271
Recused: Thomas, Tibbs, Penner

Pulled for lack of quorum

Tony P. Finno
Settlement Stipulation
License #: EC13002831
Case #: 2007-055012
Recused: Thomas, Penner, Tibbs

Pulled for lack of quorum

Steven G. Zubatuk
Motion for Waiver of Rights
License #: EZ 0000117
Case #: 2007-040702
Recused: Tibbs, Penner, Thomas

Pulled for lack of quorum

APPLICATION REVIEW

Second Business Applications

Arguelles, Michael - Michael A Arguelles LLC DbA Smartco Services LLC;
Benson, William - Julian S Benson Inc; Blake, Donald - The Phoinix Group Inc;
Clarke, Richard - Tower Communication Services Inc; Deal, Michael - Unlimited
Wiring Solutions Inc; Desercey, Nicolas - Whi Fire & Security LLC; Eigenmann,
Conrad - Alternative Energy Services Inc; Erny, Bruce - Posen Construction Inc;
Esposito, Philip - Commercial Alarm Solutions Inc; Jennings, Russell - C&T
Business Holding LLC DbA Russell B Jennings; Jordahl, David - Arcs & Sparks
Inc; Keenan, Michael - Mcauley Electric Inc; Matt, Jamie - Canam Electric Inc;
Montalvo, Richard - Tntsi Inc DbA Security 101 North Florida; Oliver, Michael -
Pro Electrical Services Inc; Potter, Kenneth - Power By Nature Inc; Rheaume,

David - Firstrate Integrated Fire & Security Inc; Rimes, Gary - Queen Electric Inc; Rojas, Rafael - Miami Dade Fire Rescue Department; Ross, Eric - Home Theater Design Group Inc; Russell, Donald - Tucci & Family Co Inc T&F Electric; Shaffer, Robert - Mckenzie's General Repair Service Inc Dba General Repair Service; Willard, Glen - Able Electric Inc; Woodcock, Frank - Southern Atlantic Electric Co Inc; Meeks, Jimmy - Meeks And Sons Inc; Montalvo, Richard - R3 Security Inc Dba Security 101; Roberson, Eddie - Dantek International Inc; Bosque, Nelson - Enersys Engineering Inc; Connley, Gregory - The Kitchen And Bath Factory Inc; Cruz, Robert - Southern Petroleum Electric Inc; Hodges, Gary - H&H Fire And Controls LLC; Mowers, George - Vasc Inc; Mowers, George - Emz Electrical LLC; Robinson, James - Ace Alarms LLC; Wynn, Arnold - Tannasse Fire Alarm Systems Inc; Gancedo, Carlos - Gancedo Technologies Inc; Levenson, Lee - Abc Alarm Inc Dba Alarm Pro; Balsinde, Sergio - Lc Cable Corp; Salvesen, Selmer - Coppola Construction 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.

Petition for Declaratory Statement – Fire Code Official's Office, Collier County, Florida

Ricco Longo, Deputy Fire Code Official, Fire Districts of Collier County was present and sworn in by the court reporter.

Mr. Flury advised the Board they should not issue a declaratory statement because the petition was requesting a statement on the behavior of another and the petitioner does not have standing on this issue.

Mr. Tibbs stated it was his opinion that the public utility did not need a license to perform work on their own property with their own employees.

MOTION: Mr. Flaherty made a motion to deny the request due to technical issues.

SECOND: Mr. Thomas.
Motion passed unanimously.

The Board directed Mr. Flury to write a letter stating 489.503 (14)(b), F.S. does not apply to this issue.

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

Daniel Crannie

Application Denial – Initial Certified License

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

MOTION: Mr. Bellemare made a motion to reverse the denial.

SECOND: Mr. Sandefer.
Motion passed unanimously.

MOTION: Mr. Bellemare made a motion to approve the application.

SECOND: Mr. Bramlett.
Motion passed unanimously.

Reconsiderations, Michael Flury, Esq., Assistant Attorney General

Saverio Cerra

Application Denial – Registered Re-activation

Mr. Cerra was present and sworn in by the court reporter and represented by counsel Terry Harmon, Esq.

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

SECOND: Mr. Bramlett.
Motion passed 5 in favor, 2 opposed.

MOTION: Mr. Sandefer made a motion to approve the application with 2 years probation requiring quarterly reports with a copy of a current FDLE background check showing arrest record.

SECOND: Mr. Thomas.
Motion passed 5 in favor, 2 opposed.

John Dysard

Application Denial – Initial Registration

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

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

SECOND: Mr. Bellemare.

Motion passed unanimously.

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

Kurt Gillett – Withdrawal Request

MOTION: Mr. Thomas made a motion to allow the withdrawal of the application.

SECOND: Mr. Bramlett.

Motion passed unanimously.

Glenn Emmons – Initial Registration

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

SECOND: Mr. Thomas.

Motion passed unanimously.

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

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 November 21, 2008.

- 10 cases in Legal
- 30 cases set for Probable Cause presentation
- 12 cases where an Administrative Complaint has been filed
- 1 case for reconsideration
- 3 cases pending Supplemental Investigation
- 1 case requesting a Formal Hearing
- 55 cases set for Board presentation
- 4 cases awaiting Final Order
- 2 cases for settlement negotiations
- 11 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 November 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. – Development published – 9/19/2008
Rule 61G6-5.002, F.A.C. – Notice published – 11/7/2008
Rule 61G6-5.003 – 5.009, F.A.C. - Notice published – 11/7/2008
Rule 61G6-5.008, F.A.C. – Adopted 8/3/2008
Rule 61G6-7.001, F.A.C. – On JAPC hold 9/18/2008

The Board reviewed the November 2008 revisions for forms ECLB 4459, ECLB 4453 and ECLB 4451.

MOTION: Mr. Flaherty made a motion to approve the form revisions.

SECOND: Mr. Bramlett.

Motion passed unanimously.

PROBATION COMMITTEE REPORT - Paul Sandefer

The Board reviewed the probation report.

UNLICENSED ACTIVITY (ULA) REPORT – Paul Sandefer

Michael Green, Unlicensed Activity Program Lead spoke to the Board about the Department's unlicensed activity efforts. Mr. Green stated the Department performed 171 unlicensed enforcement activities in the last quarter. Mr. Green

provided the members with contact information for the Unlicensed Activity Office as well as the regional offices.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

No report given.

EXAMINATION REPORT – Clarence K. Tibbs

Gus Ashoo, Bureau Chief, Bureau of Education and Testing addressed the Board and gave them an update on the switch to computer based testing.

Alex Bosque, Examination Development Supervisor, Bureau of Education and Testing provided the Board with detailed statistics on the exams.

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

See Exhibits A & B.

OLD BUSINESS/ NEW BUSINESS

Mr. Spivey introduced Secretary Charles W. Drago, Department of Business and Professional Regulation to the Board. Secretary Drago gave the Board a brief explanation of his background and expressed appreciation for the Board members' work. Secretary Drago discussed Governor Crist's "Accelerate Florida Initiative", the Department's "On the Road to Better Business" program and the "Bottom Line" newsletter.

Mr. Langer and Mr. Bellemare both expressed to Secretary Drago their desire to see stepped up enforcement against unlicensed electrical contracting.

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.

Electrical Contractors' Licensing Board
Meeting Minutes
November 2008

The Board reviewed the proposed travel dates.

CHAIRPERSON'S COMMENTS – Clarence Tibbs
None.

Adjournment.