

**MINUTES FROM THE
November 19 & 20, 2009
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Department of Business & Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399
PH: 850-487-1395**

The Board meeting was called to order by Chairman Noel Thomas at 8:45 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 - Present 11/20
Reagan Huff
Pierre Bellemare
Paul Sandefer

Members Absent

Robert Bramlett - Absent 11/21 (Excused)

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 – Accurate Stenotype
Charles Drago, Secretary, Department of Business and Professional Regulation
Tim Vaccaro, Director, Division of Professions
Michael Green
Darrick McGhee
Gus Ashoo, Bureau Chief, Bureau of Education and Testing
Alex Bosque
Rose Naff, Director, Division of Service Operations

Approval of the Agenda

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Ms. Chastain presented a plaque to Mr. Tibbs in honor of his time as Chairman of the Electrical Contractors' Licensing Board from September 2008 to July 2009.

Secretary Charles Drago addressed the board and informed them he was leaving the department to take a position as Deputy Chief of Staff in the Governor's Office. Secretary Drago stated he thoroughly enjoyed his three years with the agency and knew that the programs they have initiated will continue. He discussed the Governor's Accelerate Florida initiative; the E-Z apply project to reduce paperwork and unnecessary documentation; he informed the board about the "Save the Day" program in which employees are empowered to assist applicants that may be at risk of losing employment due to bureaucracy; and he discussed the department's accomplishments in the unlicensed activity program. Secretary Drago explained that to combat unlicensed activity the department was using a three-tiered approach; education, prevention and enforcement.

Disciplinary Cases – LeChea Parson, Assistant General Counsel

Timothy Bruno

Settlement Stipulation

License #: ER13013048

Case #: 2007-048899

J & J Telecom & Electric, Inc.

Recused: Thomas & Bellemare

Mr. Bruno was not present nor represented by counsel. Mr. Bruno was charged with violation of 489.533(1)(r),F.S., proceeding on a job without obtaining a permit.

MOTION: Mr. Tibbs made a motion to reject the stipulation.

SECOND: Mr. Flaherty.

Motion passed unanimously.

MOTION: Mr. Tibbs made a motion for a counter offer of a \$2,500 fine, costs and suspension followed by probation and an appearance before the Board.

SECOND: Mr. Flaherty.

Motion passed unanimously.

Larry Evers

Settlement Stipulation

License #: EG13000290

Case #: 2008-051011

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APX Alarm Security Solutions, Inc.
Ausley & McMullen
Recused: Thomas & Bramlett

Mr. Evers was not present but was represented by counsel Dillon Rivers Esq. Mr. Evers was charged with violation of 489.533(1)(s), F.S., contracting outside the scope of his license.

MOTION: Mr. Bellemare made a motion to reject the stipulation.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

MOTION: Mr. Bellemare made a motion for a counter offer of a \$2,500 fine, costs and 1 year probation with 60 days to pay.

SECOND: Mr. Flaherty.

Motion passed 4 in favor, 3 opposed (Tibbs, Langer & Thomas).

Thomas Strickland
Settlement Stipulation
License #: EC13001785
Case #: 2007-062227
Strickland Electric
Recused: Thomas & Bellemare

Mr. Strickland was present and sworn in by the court reporter. Mr. Strickland was charged with violation of 489.533(1)(m), F.S., committing financial mismanagement or misconduct.

MOTION: Mr. Flaherty made a motion to reject the stipulation.

SECOND: Mr. Tibbs.

Motion passed unanimously.

MOTION: Mr. Flaherty made a motion to impose costs and 2 years probation and require proof of restitution within 2 years.

SECOND: Mr. Langer.

Motion passed unanimously.

James Briley
Hearing pursuant to 120.57(2), F.S.
License #: ER0004973
Case #: 2008-011433
Jim Briley Inc.
Recused: Thomas & Bramlett

Mr. Briley was not present nor represented by counsel. Mr. Briley sent a letter requesting a continuance.

MOTION: Mr. Sandefer made a motion to grant the continuance.

SECOND: Mr. Bramlett.

Motion passed unanimously.

Jimmy Cooper
Hearing pursuant to 120.57(2), F.S.
License #: EF794
Case #: 2007-035371
Genesis Electronic Co
Recused: Tibbs, Penner & Thomas

Mr. Cooper was not present nor represented by counsel. Mr. Cooper was charged with violation of 489.533(1)(m), F.S., committing financial mismanagement or misconduct.

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

SECOND: Mr. Huff.

Motion passed unanimously.

MOTION: Mr. Flaherty made a motion to adopt the 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 \$4000 and costs of \$252.40, restitution of \$630 and 2 years probation.

SECOND: Mr. Langer.

Motion passed unanimously.

James Elliott
Hearing pursuant to 120.57(2), F.S.
License #: EF200000451
Case #: 2007-003726
Hi Tec Electric
c/o J. Gordon Blau, Esq.
Recused: Tibbs & Thomas

Mr. Elliott was not present nor represented by counsel. Ms. Parson requested a continuance for this case because Mr. Elliott was no longer represented by counsel and the hearing notice was not resent to his personal address timely.

MOTION: Mr. Sandefer made a motion to grant the continuance.

SECOND: Mr. Tibbs.

Motion passed unanimously.

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John Himes
Hearing pursuant to 120.57(2), F.S.
License #: ET413
Case #: 2008-033453
Himes Sign Corp.
Recused: Bramlett & Bellemare

Mr. Himes was not present nor represented by counsel. Ms. Christie informed the Board that Mr. Himes had called and requested a continuance.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Odis Lyons
Hearing pursuant to 120.57(2), F.S.
License #: ER2507
Case #: 2008-055342
Odis Lyons
Recused: Bramlett & Bellemare

Mr. Lyons was present and sworn in by the court reporter. Mr. Lyons was charged with violation of 489.533(1)(j), F.S., aiding and abetting unlicensed activity.

MOTION: Mr. Tibbs made a motion dismiss the administrative complaint against Mr. Lyons.

SECOND: Mr. Flaherty.

Motion passed unanimously.

Mr. Lyons stated he waived any possible attorney's fees.

Lee Burns
Motion for Waiver of Rights
License #: ER4666
Case #: 2008-022548
Able Electric Inc.
Recused: Bellemare & Bramlett

Mr. Burns was not present nor represented by counsel. Mr. Burns was charged with violation of 489.533(1)(h)1, F.S., practicing on a delinquent license.

MOTION: Mr. Tibbs made a motion to find the respondent waived his rights.

SECOND: Mr. Flaherty.

Motion passed unanimously.

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

SECOND: Mr. Hoffmann.

Motion passed unanimously.

MOTION: Mr. Tibbs made a motion to impose a fine of \$250 and costs of \$314.01.

SECOND: Mr. Sandefer.

Motion passed unanimously.

Tim Vaccaro, Director of the Division of Professions welcomed the Board and thanked the members for their service.

APPLICATION REVIEW –Noel Thomas, Chairman

Second Business Applications

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

Besancon, Kevin - Browco Industries Inc dba Broward Security County Co; Bourque, Gerard - A-1 Security Alarms Inc; Cessna, Michael - Effective Technical Group LLC; Curtis, Jeffrey - Pisol Corp; Fazio, Stephen - Enhanced Monitoring Services LLC; Moyer, Kenneth - Just In Time Electric Inc; Nidetz, Lawrence - Miami Millwrights, Inc; Roe, Robert - GFI Electric Inc; Hollenback, Gail - Tempus Enterprise Inc dba Tempus Electronic Lifestyles; Camejo, Armando - Computer Technology Solutions Inc dba Intergrated Technology Services; Clarke, Anthony - Security Alarm Divison LLC; Ellis, Michael - Aa-Abra-Key-Dabra Locksmith Services LLC; Fox, James - Advance Electrical Technology LLC; Keller, Ken - All South Lightning Protection, Inc; Leone, Robert - Alarm Partners LLC Dba Monitoring Partners; Parker, Maurice - Elite Electronic Environments LLC; Sarrow, Douglas - All Metro Electric Service Inc; Shaw, Eulee - Walker Brothers Heating & Air, Inc & Torres, Ivan - Safe Electric Contractors Co.

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.

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

Chickel Azor

Application Denial – Additional Business Application

Mr. Azor 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. Flaherty.

Motion passed unanimously.

Wavell Germaine

Application Denial – Additional Business Application

Mr. Germaine was present with business owner Howard Codner, both were sworn in by the court reporter.

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

SECOND: Mr. Hoffmann.

Motion passed unanimously.

Francisco Rodriguez

Application Denial – Additional Business Application

Mr. Rodriguez was present with Raydel Perez, both were sworn in by the court reporter.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Jason Allen Meyers

Application Denial – Initial by Examination

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

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

SECOND: Mr. Langer.

Motion passed unanimously.

John Johnson

Application Denial – Endorsement Application

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

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

SECOND: Mr. Flaherty.

Motion passed 5 in favor 3 opposed (Tibbs, Sandefer & Bellemare).

Bruce Caudill

Application Denial – Initial by Examination

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

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

SECOND: Mr. Huff.

Motion passed unanimously.

Thomas McGibbons, Jr.

Application Denial – Initial by Examination

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

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

SECOND: Mr. Langer.

Motion passed unanimously.

Duane Sieman

Application Denial – Initial by Examination

Mr. Sieman 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. Huff.

Motion passed unanimously.

Claude Watts

Application Denial - Endorsement Application

Mr. Watts was not present nor represented by counsel.

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

SECOND: Mr. Flaherty.

Motion passed unanimously.

Howard Babbitt

Application Denial – Additional Business

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

MOTION: Mr. Hoffmann made a motion to reverse the denial and approve the application contingent upon proof of \$10,000 cash in the bank.

SECOND: Mr. Bellemare.

Motion passed unanimously.

James Lonsberry

Application Denial – Additional Business

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

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

SECOND: Mr. Bellemare.

Motion passed unanimously.

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

SECOND: Mr. Langer.

Motion passed unanimously.

RECONSIDERATIONS – Deborah Loucks, Esq., Assistant Attorney General

Alan Lyes

Approved Contingent – Additional Business

Mr. Lyes was present with Kevin McClelland, both were sworn in by the court reporter.

MOTION: Mr. Hoffmann made a motion to accept the items provided as meeting the contingency and approve the application.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Ariel Gutierrez – Initial by Examination

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

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Requests for Reinstatement of Null and Void Licenses, Deborah Loucks, Esq., Assistant Attorney General

William H. Jackson – EF0000389

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

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

SECOND: Mr. Flaherty.

Motion passed unanimously.

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 July 13, 2009.

- 6 cases requiring supplemental investigation
- 1 cases assigned to Legal after investigation
- 35 cases set for Probable Cause presentation
- 7 cases where an Administrative Complaint has been filed

- 2 cases Ready for Waiver
- 5 cases requesting a Formal Hearing
- 4 cases for settlement negotiations
- 16 cases set for Board presentation
- 0 cases awaiting Final Order
- 34 total public cases in Legal

MOTION: Mr. Tibbs made a motion to continue prosecution of the cases that were over a year old.

SECOND: Mr. Hoffmann.
Motion passed unanimously.

UNLICENSED ACTIVITY REPORT – LeChea Parson., Assistant General Counsel
No report given.

LEGISLATIVE REPORT
No report given.

RULES REPORT – Clarence K. Tibbs

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

The Board took action on rules as follows:

Rule 61G6-5.002, F.A.C.

MOTION: Mr. Tibbs made a motion approve the language as presented and notice the rule for development.

SECOND: Mr. Sandefer.
Motion passed unanimously.

The Board stated there was no financial impact on small business from this rule.

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 appropriate 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: August 13, 2008, 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>
http://www.myflorida.com/dbpr/pro/elboard/documents/eclb_exam_enterable.pdf.

~~(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 (DBPR ECLB form number 4457, effective August 2008) with the required fee must be submitted to the Department. The retake exam application may be obtained at http://www.myfloridalicense.com/dbpr/pro/elboard/documents/eclb-4457_enterable.pdf. For the second and third re-examination attempts 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.~~

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.

Rule 61G6-5.009, F.A.C.

MOTION: Mr. Hoffmann made a motion approve the language as presented and notice the rule for development.

SECOND: Mr. Tibbs.

Motion passed unanimously.

The Board stated there was no financial impact on small business from this rule.

61G6-5.009 Endorsement.

(1) The Department upon certification by the Board shall issue a license by endorsement to an electrical contractor who submits a completed application to the Department accompanied by the application fee, and complies with the terms of this rule.

(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(5)(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.~~

~~(b)(c) If applicant is applying pursuant to Section 489.511(5)(6)(b), F.S., he or she must demonstrate that the criteria for issuance of the license was substantially equivalent to the certification criteria that existed in this state at the time the certification was issued.~~

(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(5)(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) If applicant is applying pursuant to Section 489.511(5)(6)(b), F.S., he or she must demonstrate that the criteria for issuance of the license was substantially equivalent to the certification criteria that existed in this state at the time the certification was issued.~~

(4) An applicant seeking endorsement under subsection (2) or (3) must also demonstrate that applicant has an active license and has met all requirements for electrical or alarm contracting in the state, and that there are no outstanding or unresolved complaints filed against the applicant in the other state.

(5) The Department and the Board are authorized to investigate for the purpose of corroborating any of the information submitted pursuant to this rule.

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.

Rule 61G6-5.0061, F.A.C.

MOTION: Mr. Flaherty made a motion approve the language and forms as presented and notice the rule for development.

SECOND: Mr. Tibbs.

Motion passed unanimously.

The Board stated there was no financial impact on small business from this rule.

61G6-5.0061 Registration of Additional New Business Entity or Transfers.

(1) A registered qualifying agent who wishes to engage in contracting in his own name or in

affiliation with another business entity shall be required to submit an application, accompanied by the application fee, to the Department.

(2) The Application for registration is form number DBPR ECLB 4452-1, effective December 2009, titled Application for Registered Electrical, Alarm System or Specialty Contractor, which is hereby incorporated by reference, copies of which may be obtained from the Board office or via the internet at http://www.myflorida.com/dbpr/pro/forms/elboard/documents/registered_electrical_package_erable.pdf.

(3) The application shall be accompanied by a statement of authority and a credit report. The requirement of a minimum net worth does not apply to registered contractors applying under this rule.

(4) If a registrant is to be a secondary qualifier for an already qualified business, the registrant does not need to submit the financial portion of the application for registration or a credit report.

AUTHORITY: Specific Authority 489.507(3), 489.513(1), 489.521(2), (3)(a) FS.
Law Implemented 489.511(3), 489.521(2), (3)(a), (8) FS.

HISTORY
New

Rule 61G6-8.001, F.A.C.

MOTION: Mr. Flaherty made a motion approve the language and forms as presented and notice the rule for development.

SECOND: Mr. Tibbs.

Motion passed unanimously.

The Board stated there was no financial impact on small business from this rule.

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. The applicant shall pay the professional testing service directly for any test administration fee. ~~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) The initial application fee for licensure by endorsement as a certified unlimited electrical contractor shall be two hundred dollars (\$200.00).

(3) The fee for issuance, renewal or reinstatement of certification for electrical contractor or alarm systems contractor shall be two hundred ninety five dollars (\$295.00).

~~(4) The fee to reinstate a null and void license shall be five hundred dollars (\$500.00).~~

~~(54) The re-examination fee for the Technical/Safety certification examination shall be one hundred twenty-seven dollars and fifty cents (\$127.50) payable to the Department. The re-examination fee for the Business Computer-Based Test shall be twenty-two dollars and fifty cents (\$22.50) paid directly 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.~~

~~(65) The initial fee for registration shall be one hundred fifty dollars (\$150.00).~~

~~(76)(a) The fee to be paid for placement of a license in an inactive status shall be fifty dollars (\$50.00).~~

~~(b) The fee to be paid for the renewal of license voluntarily placed on inactive status shall be \$50.00.~~

~~(87) The fee for renewal of registration shall be one hundred twenty dollars (\$120.00).~~

~~(98) Delinquent Fee. If licensee becomes delinquent, an applicant must elect for active or inactive status, and a \$50.00 delinquent fee will be charged.~~

~~(109) The fee to be paid for the reactivation of a certified or registered license from inactive to active status shall be fifty dollars (\$50.00).~~

~~(1140) Transfer fee. The fee to transfer a certificate or registration from one business organization to another shall be one hundred fifty dollars (\$150.00) for a certified contractor and fifty dollars (\$50.00) for a registered contractor.~~

~~(1244) The fee for the review of the Technical/Safety an examination pursuant to the provisions of Chapters 455 and 489, F.S., shall be seventy-five dollars (\$75.00). The fee to the professional testing service for review of the Business Computer-Based Test (at the site where the original exam was taken) shall be paid directly to the professional testing service. thirty-five dollars (\$35.00).~~

~~(1342) The fee for a duplicate copy of a previously issued license shall be twenty-five dollars (\$25.00).~~

~~(1443) The initial application fee for licensure by second entity as certified unlimited electrical contractor or alarm system contractor shall be two hundred fifty dollars (\$250.00).~~

~~(1544) Pursuant to Section 455.2281, F.S., in addition to all other fees collected from each licensee, there shall be a \$5.00 fee collected at the request of the Department, both upon initial licensure and license renewal for the purpose of combatting unlicensed activity.~~

~~(1645) The fee to process a change of licensure status at any time other than the beginning of the licensure cycle shall be twenty-five dollars (\$25.00).~~

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.

Rule 61G6-10.0065, F.A.C.

MOTION: Mr. Tibbs made a motion approve the language and forms as presented and notice the rule for development.

SECOND: Mr. Sandefer.

Motion passed unanimously.

The Board stated there was no financial impact on small business from this rule.

Rule 61G6-10.0065 Reinstatement of Null and Void License

(1) An individual applying to have his or her null and void electrical contractor's certification or registration reinstated pursuant to Section 455.271(6)(b), Florida Statutes, shall submit an application to the board and pay a fee.

- a. The application shall be submitted on form DBPR PRO 4951- Application to Reinstatement Null and Void License (effective March 2009), DBPR PRO-4952 – Statement Demonstrating Good Faith Effort to Comply with Renewal and Explanation of Illness or Undue Hardship that Prevented Renewal (effective March 2009); and DBPR 4953, Attest Statement (effective March 2009), which are hereby incorporated by reference. The form may 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.>
- b. The non-refundable application fee shall be \$500.00.

(2) Any license reinstated pursuant to this rule shall be reinstated to inactive status.

Rulemaking Specific Authority ' 455.271(6)(b), Fla. Stat.; Law Implemented ' 455.271(6)(b), Fla. Stat.

PROBATION COMMITTEE REPORT

MOTION: Mr. Thomas made a motion to accept the probation reports of Kenneth Holmes and Saverio Cerra.

SECOND: Mr. Tibbs.

Motion passed unanimously.

UNLICENSED ACTIVITY (ULA) REPORT

Mr. Michael Green, Unlicensed Activity Administrator, addressed the board regarding the department's increased efforts to combat unlicensed activity. Mr. Green informed the Board there had been a significant increase in enforcement events such as sweeps and stings over the last 3 years. The members suggested adding unlicensed activity enforcement statistics to the newsletter.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

Ms. Chastain asked the Board to consider imposing a \$75 special assessment to bring the Board's operating account out of a deficit.

MOTION: Mr. Tibbs made a motion to impose a \$75 special assessment.

SECOND: Mr. Hoffmann.

Motion failed 3 in favor 5 opposed (Langer, Sandefer, Flaherty, Bellemare & Thomas).

EXAMINATION REPORT – Clarence K. Tibbs

The Board reviewed a report showing pass/fail rates for July – October 2009.

Mr. Gus Ashoo and Mr. Alex Bosque from the Bureau of Education and Testing (BET) addressed the board. The board inquired about the Georgia examination being equivalent to the Florida examination. Mr. Ashoo informed the board that BET reviewed the Georgia examination last year and it was equivalent. Mr. Ashoo commented he would have the Georgia examination re-evaluated. Mr. Ashoo also informed the board the examination statistics can now be found on the Bureau's Web site.

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 & C).

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

SECOND: Mr. Flaherty.

Motion passed unanimously.

See Exhibits A, B & C.

APPROVAL OF MINUTES

MOTION: Mr. Flaherty made a motion to approve the minutes from May 2008, July 2008, September 2008, November 2008, January 2009, March 2009 & July 2009 as presented with correction noted on page 6 of the July 2008 minutes.

SECOND: Mr. Sandefer.

Motion passed unanimously.

OLD BUSINESS/ NEW BUSINESS

Ms. Christie asked the members to reconsider their decision not to impose a special assessment.

MOTION: Mr. Tibbs made a motion to reconsider the issue.

SECOND: Mr. Hoffmann.

Motion passed 6 in favor 2 opposed (Langer and Flaherty).

After a lengthy discussion the Board decided to meet on Wednesday January 20 at 2:00 p.m. to discuss the issue and requested representatives from the Department attend to answer their questions.

MOTION: Mr. Tibbs made a motion to notice a rule for development regarding a special assessment in order to begin the process.

SECOND: Mr. Sandefer.

Motion passed unanimously.

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

No Report.

EXECUTIVE DIRECTOR'S REPORT – Juanita Chastain

MOTION: Mr. Flaherty made a motion to delegate the authority to grant emergency registrations under 489.523, F.S. to Ms. Chastain.

SECOND: Mr. Tibbs.

Motion passed unanimously

CHAIRPERSON'S COMMENTS – Noel Thomas

None

Adjournment.