

**MINUTES FROM THE
Electrical Contractors' Licensing Board Meeting
September 25 & 26, 2008
Four Seasons Resort
2800 South Ocean Blvd
Palm Beach, FL 33480
Ph: 561-582-2800**

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
Kenneth Hoffmann
Brian Flaherty
Robert Bramlett
Reagan Huff

Members Absent

Donald C. Penner

Others Present

Anthony B. Spivey, Executive Director
Ruthanne Christie, Government Analyst I
Michael Flury, Esq., Assistant Attorney General
LeChea Parson, Assistant General Counsel
Charles Tunnicliff, Chief Professions Attorney
Court Reporter – Alexandra Ramirez, Official Reporting Services,
PH: 954-467-8204

Approval of the Agenda

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

SECOND: Mr. Bellemare.

Motion passed unanimously.

Approval of the Minutes

MOTION: Mr. Sandefer made a motion to approve the November 2007 meeting minutes.

SECOND: Mr. Bellemare.
Motion passed unanimously.

Disciplinary Cases – Charles Tunnickliff, Chief Professions Attorney

Mr. Tunnickliff introduced LeChea Parson as the Board's new prosecuting attorney.

Julio Alberto Tages
c/o Felicia L. Nowles, Esq.
Highpoint Center, 12th Floor
Settlement Stipulation
License #: ER 13013122
Case #: 2006-049184
Recused: Tibbs, Penner, Small

Mr. Tages was not present nor represented by counsel.

MOTION: Mr. Sandefer made a motion to adopt the stipulation imposing costs of \$145.66 and voluntary relinquishment of license.

SECOND: Mr. Bramlett.
The motion passed 7 in favor 1 opposed (Langer).

Larry Michael Johnson
Alachua County Jail
333 Northeast 39th Ave.
Gainesville, FL 32609
Motion For Waiver of Rights
License #: ER 0015006
Case #: 2006-070052
Recused: Tibbs & Penner

Mr. Johnson was not present nor represented by counsel.

MOTION: Mr. Flaherty made a motion to find a waiver of rights.

SECOND: Mr. Bellemare.
Motion passed unanimously.

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

SECOND: Mr. Flaherty.
Motion passed unanimously.

MOTION: Mr. Langer made a motion to revoke the license and impose a fine of \$5,000 costs of \$287.29 costs.

SECOND: Mr. Flaherty.
Motion passed unanimously.

APPLICATION REVIEW

Second Business Applications

Brannen, Stephen- Eagle Electric Inc; Calvert, Stephen- Aware Digital Inc;
Conrad, Richard- Sycon Corp; Dinorscio, Michael- Quality Electrical Services of
So Florida Inc; Dunbar, Edwin- Teksystems Management Inc dba Teksystems;
Esposito, Philip- Windemuller Techical Services Inc; Fields, Christopher- Electric
Solutions Unlimited LLC; Golebiewski, Norbert- Premier Fire Alarms and
Integration Systems Inc; Herron, Scott- Guardian Medical Monitoring Inc;
Hovarter, Frederick- Piranha Network Cabling Inc; Kerry, Michael- Home Alarm
Division Inc; Kwechin, Carl - Royce Parking Control Systems Inc; Lafeir, Walter-
Tampa Bay Communications Supply Inc; Loth, Victor- Electric Energy Savers
LLC; Mayo, Richard- VT Milcom Inc; Monteagudo, Kenneth- Advance Digital
Technologies Corp; Monteagudo, Kenneth- MTN Marketing Inc dba Sylvan
Security & Data Solutions; Montgomery, Ryan- Delta Fire Sprinklers Inc dba
Delta Alarm Services; O'connor, Michael- C.M.E. O'connor Electric LLC; Rose,
Timothy- Technical Installation Specialists Inc; Schweizer, Alan- Infrastruaction
Solutions & Technologies Inc; Sosa, Carlos- Philmccullem .Com LLC dba
Tankless Hot Water; Stokes, Charles- Stokes Equipment Sales Inc; Talerico,
Peter- Lino's Electrical Services Inc; Tate, Stephen- Ez-Id LLC; Thompson,
Andrea- Eddtronix LLC; White, James- Posen Construction Inc; Williams, Willie-
RCG Electric LLC; Wilson, Chester- Amt's Unlimited Nationwide Inc; Austin, Jeff-
Star One Communications, LLC; Echarri, Rafael- Sun Security Services, Inc.;
Vizzi, Stephen- Amc Surveillance Camera & Electronics, Inc.; Texidor, Arnaldo-
Metro Contractors; Swain, Thomas- Hidden Eyes LLC dba Envera; Mangali,
Leslie- City Of Orlando Public Works; Dull, Brenda;

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.

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

Daniel Sullivan

Application Denial – Endorsement

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

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

SECOND: Mr. Flaherty.

Motion passed unanimously.

Nicholas Alers

Application Denial – Unlimited Electrical Contractor Examination

Mr. Alers 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. Flaherty.

Motion passed unanimously.

Brian Sallette

Application Denial – Unlimited Electrical Contractor Examination

Mr. Sallette 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. Bramlett.

Motion passed unanimously.

Gary Benzenberg

Application Denial – Unlimited Electrical Contractor Examination

Mr. Benzenberg 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. Bramlett.

Motion passed unanimously.

John Lego

Application Denial – Residential Electrical Contractor Examination

Mr. Lego was not present nor represented by counsel.

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

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 September 24, 2008.

- 30 cases assigned to Legal after investigation
- 19 cases set for Probable Cause presentation
- 7 cases where an Administrative Complaint has been filed
- 2 case where Probable Cause was found
- 2 cases pending Supplemental Investigation
- 2 cases requesting a Formal Hearing
- 0 cases sent to consultant / expert
- 2 cases set for Board presentation
- 0 case referred to DOAH
- 4 cases awaiting Final Order
- 1 cases for settlement negotiations
- 3 case ready for default
- 1 cases for Stipulation or Request for Informal Hearing
- 0 cases requiring supplemental investigation
- 1 case pending informal hearing
- 63 total cases in Legal

UNLICENSED ACTIVITY REPORT – Charles Tunnickliff, Esq., Chief Professions Attorney

Mr. Tunnickliff 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 2008.

- 101 cases in OGC
- 7 cases awaiting further investigation / expert report
- 7 cases awaiting Probable Cause determination
- 0 cases Probable Cause Found
- 4 cases where an Administrative Complaint has been filed
- 0 cases requesting an Informal Hearing
- 0 cases requesting a Formal Hearing
- 9 cases for default / failed to respond to AC
- 4 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 advised the Board they needed to make determinations for pending rules for the purposes of drafting Statements of Estimated Regulatory Costs (SERC).

Rule 61G6-8.001, FAC

MOTION: Mr. Bellemare made a motion that there is an impact on small business from rule 61G6-8.001.

SECOND: Mr. Sandefer.

Motion passed unanimously.

Rule 61G6-5.002, FAC

MOTION: Mr. Bellemare made a motion that there is no impact on small business from rule 61G6-5.002.

SECOND: Mr. Flaherty.

Motion passed unanimously.

Rule 61G6-5.003, FAC

MOTION: Mr. Bellemare made a motion that there is no impact on small business from rule 61G6-5.003.

SECOND: Mr. Huff.

Motion passed unanimously.

Rule 61G6-5.009, FAC

MOTION: Mr. Bellemare made a motion that there is no impact on small business from rule 61G6-5.009.

SECOND: Mr. Huff.

Motion passed unanimously.

Rule 61G6-7.001, FAC

MOTION: Mr. Bellemare made a motion that there is no impact on small business from rule 61G6-7.001.

SECOND: Mr. Huff.

Motion passed unanimously.

PROBATION COMMITTEE REPORT - Paul Sandefer

No report given.

UNLICENSED ACTIVITY (ULA) REPORT – Paul Sandefer

Mr. Sandefer informed the Board of the following unlicensed activity efforts as of August 2008.

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- 70 Sweeps
- 43 Outreach
- 7 Stings

Mr. Bellemare indicated he would like to see more efforts to stop unlicensed activity in the low voltage industry.

The Board asked Mr. Spivey to invite Michael Green to the November 2008 meeting and provide the Board with ULA contact information for the regional offices.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

No report given.

EXAMINATION REPORT – Clarence K. Tibbs

The Board was provided with statistics for 2008 and passing rates.

ENDORSEMENT REPORT - Donald Penner

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

SECOND: Mr. Bellemare.

Motion passed unanimously.

See Exhibits A & B.

OLD BUSINESS/ NEW BUSINESS

The Board reviewed a request from Scott Cohen of the Electrical Training School in NY requesting CE credits for 2 licensees who took his course which had expired.

MOTION: Mr. Sandefer made a motion to give the credits as requested.

SECOND: Mr. Flaherty.

Motion passed unanimously.

Terry Baker, Chief Electrical Code Compliance Officer addressed the Board with questions re: Solar contracting. The Board directed him to the minutes and FAQ's from the May 2008 ECLB/CILB Committee meeting.

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

No report given.

EXECUTIVE DIRECTOR'S REPORT – Anthony B. Spivey

Mr. Spivey provided the Board with copies of 2 emergency registrations he issued since the last meeting 1 for MTN Marketing and 1 for JDS Electrical Systems.

Mr. Spivey directed the Boards' attention to the enforcement report.

Mr. Langer and Mr. Spivey briefed the Board on their attendance at the NASCLA Conference.

CHAIRPERSON'S COMMENTS – Clarence Tibbs

None.

Adjournment.