

**MINUTES FROM THE
SEPTEMBER 24 & 25, 2009
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Pink Shell Beach Resort & Spa
275 Estero Beach Blvd.
Ft. Myers Beach, FL 33931**

The Board Meeting was called to order by Chairman Noel Thomas at 8:38 a.m.

**PLEDGE OF ALLEGIANCE - Clarence Tibbs
INVOCATION - Brain Flaherty**

ROLL CALL

Members Present

Noel Thomas (Chairman)
Brian Flaherty (Vice - Chairman)
Clarence K. Tibbs
Roger E. Langer
Kenneth Hoffmann
Robert Bramlett
Reagan Huff
Pierre Bellemare
Paul Sandefer

Members Absent

None

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 – Martin Reporting Services Ph: 239-334-6545

Approval of the Agenda

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Disciplinary Cases – LeChea Parson, Assistant General Counsel

Paul Eugene Duffey
Settlement Stipulation
License #: EC13003039
Case #: 2008-055396
Recused: Bellemare & Bramlett

Mr. Duffey was present and sworn in by the court reporter. Mr. Duffey was charged with violation of 489.533(1)(m)4,F.S., financial mismanagement or misconduct.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

MOTION: Mr. Huff made a motion for a counteroffer of \$1,000 fine and costs of \$241.99 and a 1 year suspension of the license requiring an appearance before the board and proof of satisfaction of civil judgment for reinstatement.

SECOND: Mr. Flaherty.

Motion passed unanimously.

Ms. Loucks will draft an offer of counter stipulation for Mr. Duffey to review.

Mitch Permuy
Settlement Stipulation
License #: EC 0000841
Case #: 2008-066812
Recused: Thomas & Bramlett

Mr. Permuy was present and represented by counsel Fred Dudley, Esq. Mr. Permuy was charged with violation of 489.533(1)(j),F.S., aiding and abetting unlicensed activity.

MOTION: Mr. Tibbs made a motion to accept the settlement stipulation.

SECOND: Mr. Sandefer.

Motion passed unanimously.

Steven Craig Braddock
Hearing pursuant to 120.57(2)
License #: EI0000081
Case #: 2008-020492
Recused: Bellemare & Bramlett

Mr. Braddock was present and sworn in by the court reporter. Mr. Braddock was charged with violation of 489.533(1)(s),F.S., contracting outside the scope of license.

MOTION: Mr. Langer made a motion to adopt the findings of fact and conclusions of law as stated in the administrative complaint and noted for the record the correct license number.

SECOND: Mr. Sandefer.

Motion passed unanimously.

MOTION: Mr. Langer made a motion to impose a fine of \$1000 and costs of \$255 and 1 year suspension of the license requiring an appearance before the board for reinstatement.

SECOND: Mr. Huff.

Motion passed unanimously.

Steven Craig Braddock
Hearing pursuant to 120.57(2)
License #: EI0000081
Case #: 2007-068344
Recused: Tibbs & Thomas

Mr. Braddock was present and sworn in by the court reporter. Mr. Braddock was charged with violation of 489.533(1)(s), F.S., contracting outside the scope of license.

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

SECOND: Mr. Bellemare.

Motion passed unanimously.

MOTION: Mr. Langer made a motion to impose a fine of \$1000 and costs of \$92.16 allowing 1 year to pay and revocation of the license, citing the aggravating factor of harm to the public.

SECOND: Mr. Huff.

Motion passed unanimously.

Howard J. Smith
Hearing pursuant to 120.57(2)
License #: ER 0013770
Case #: 2008-061045
Recused: Bramlett & Bellemare

Mr. Smith was not present nor represented by counsel. Mr. Smith was charged with violation of 489.533(1)(m)4, F.S. financial mismanagement or misconduct.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

MOTION: Mr. Flaherty made a motion to impose a fine of \$1000 and costs of \$82.48, minimum 1 year suspension of license requiring an appearance before the board for reinstatement.

SECOND: Mr. Tibbs.
Motion passed unanimously.

Charles Edward Allen
Motion for Waiver
License #: EC 11000609
Case #: 2007-017546
Recused: Thomas & Tibbs

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

MOTION: Mr. Hoffmann made a motion to find the respondent was properly served and waived his rights.

SECOND: Mr. Langer.
Motion passed unanimously.

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

SECOND: Mr. Sandefer.
Motion passed unanimously.

MOTION: Mr. Hoffmann made a motion to impose a fine of \$2000 and costs of \$274.06, suspension of license for a minimum of 1 year and require appearance before the board and proof of payment of \$1,100 restitution for reinstatement.

SECOND: Mr. Langer.
Motion passed unanimously.

APPLICATION REVIEW –Noel Thomas, Chairman

Second Business Applications

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

Annis, John - All Power Generators Corp; Babbitt, Howard - Around The Clock Security LLC; Barnes, Sterling - Melaleuca Security Inc; Bellmore, Philip - Tim Harlow Controls And Instrumentation, LLC; Beville, Ryan C - Adam Mikell Powering & Electrical Distribution LLC; Biscardi, Robert - Sun Electric Works Inc dba Reliable Power Systems Inc; Bixby, Michael - Soltech Energies LLC; Blosser, Alton - Blosser Electric Services Inc; Borderick, Rance - Tri-City/4evolution Iv, Joint Venture; Borderick, Rance - Tri-City/4evolution Iii, Joint Venture; Borderick, Rance - Tri-City/Celectsys, Joint Venture; Brooker, Matthew - Solaris Solar Energy Inc; Camejo, Armando - Manic Systems, Inc; Cancio, George - Casabona Signs LLC; Cancio, George - Cancio Group LLC; Chickel, Azor - Azor Electric Inc; Clingo, Eduardo - All Veterans Electric Inc; Connors, Thomas - Avl Pro Inc; Forbey, Donald - Niche Marketing Consultant Inc; Gaddis, Garry - Gulf Coast Alarm, LLC; Goble, William - Philmccullem.Com, LLC dba Tankless Hot Water; Grenet, Dennis - All Pro Builders, Inc dba All Pro Electric; Howe, Ronald - Modern Concepts Electric LLC; Intoppa, Jason - Impact Electrical Services Inc; Koch, David - Imperial

Electric Inc; La Selva, Rosario - Victory Access Control LLC; Lang, Jeffery - Tier Electric Of Central Florida Inc; Leduc, David - Global Security Network, LLC; Martinez, Luis - Greenline Home Theater Inc; Mashia, David - 1st Choice Electrical Services Of Sarasota, LLC; McMahon, Brian - Naples Fire Protection Inc; Mo, Jim - Champion Controls Inc; Morgan, Carswell - Sun Electric Energy And Designs LLC; Moyer, Kenneth - Castle Electrical Services Inc; Perrone, Nicholas - Underground Utility Services, Inc; Rodriguez, Francisco - Metro Crime Protection Inc; Rosen, Jay - J & I Electric Service Corp.; Sanchez, Raul - J & I Electric Service Corp; Sasson, Isaac - Calico Air Conditioning Company Inc; Smith, Benjamin - Green Performance Systems LLC; Steffanato, John - Enterprose Security Holding LLC; Turnmire, John Henry - Southeaster Power Works Inc dba Octane Communications Inc; Verner, Patrick - D.S.E. Electrical Service And Maintenance, Inc; Biscardi, Robert - Reliable Power Systems;

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.

PETITION FOR VARIANCE AND WAIVER – Israel Colon, Muzak LLC

Mr. Colon was present and represented by counsel Chris Bryant, Esq.

The petition requested a waiver of rule 61G6-5.004(2), F.A.C.

MOTION: Mr. Tibbs made a motion to grant the petition.

SECOND: Mr. Sandefer.

Motion passed unanimously.

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

John Boling

Application Denial - Additional Business Application

Mr. Boling 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.

John Borota

Application Denial - Additional Business Application

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

MOTION: Mr. Huff made a motion to reverse the denial and approve the application with condition that Mr. Borota attends the disciplinary portion of a meeting within the next 6 months.

SECOND: Mr. Flaherty.

Motion passed unanimously.

Norman Bostic

Application Denial – Initial by Exam Application

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

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Nelson Bosque

Application Denial - Additional Business Application

Mr. Bosque was present and represented by Aramis Hernandez, Esq..

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

SECOND: Mr. Flaherty.

Motion passed 7 in favor 2 opposed (Sandefer and Tibbs).

Ian Scott Bruce

Application Denial – Additional Business

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

MOTION: Mr. Tibbs made a motion to reverse the denial and approve the application with condition that Mr. Bruce attends the disciplinary portion of a meeting within the next 6 months.

SECOND: Mr. Bramlett.

Motion passed unanimously.

Eduardo Canales

Application Denial – Initial by Examination

Mr. Canales 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.

Scott Fenstermacher

Application Denial – Endorsement

Mr. Fenstermacher 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. Tibbs.

Motion passed unanimously.

Marvin Graves

Application Denial – Additional Business

Mr. Graves was present and sworn in by the court reporter, he requested a continuance to the next meeting.

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

SECOND: Mr. Huff.

Motion passed unanimously.

Wade Lariviere

Application Denial – Endorsement

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

MOTION: Mr. Bellemare made a motion to reverse the denial and approve the application contingent on Mr. Lariviere taking and passing the Florida Business examination.

SECOND: Mr. Tibbs.

Motion passed 5 in favor, 4 opposed.

Michael Mansfield

Mr. Mansfield was not present nor represented by counsel. Mr. Mansfield sent a written request for continuance.

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

SECOND: Mr. Huff.

Motion passed unanimously.

Mitchell Meadows

Application Denial – Endorsement

Mr. Meadows 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. Tibbs.

Motion passed unanimously.

James Moore

Application Denial – Initial by Examination

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

MOTION: Mr. Sandefer made a motion to reverse the denial and approve the application for inactive status.

SECOND: Mr. Langer.

Motion passed unanimously.

Dennis Oyler

Application Denial – Additional Business

Mr. Oyler 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 (Huff, Bramlett).

Carlos Rodriguez

Application Denial – Initial by Examination

Mr. Rodriguez 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. Huff.

Motion passed 7 in favor, 2 opposed (Flaherty, Bramlett).

Florida Pool and Spa Association

Application Denial – Continuing Education Course

No one was present for this application.

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

SECOND: Mr. Bramlett.

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 September 21, 2009.

- 8 cases where an Administrative Complaint has been filed
- 2 cases Ready for Waiver
- 4 cases requesting a Formal Hearing
- 4 cases for settlement negotiations
- 15 cases set for Board presentation

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

LEGISLATIVE REPORT – Brian Flaherty

No report given.

RULES REPORT – Clarence K. Tibbs

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

PROBATION COMMITTEE REPORT

MOTION: Mr. Sandefer made a motion to accept the probation reports of Saverio Cerra.

SECOND: Mr. Bramlett.
Motion passed unanimously.

UNLICENSED ACTIVITY (ULA) REPORT

No Report given.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

Ms. Chastain informed the board they were still in a deficit and she would be meeting with Finance and Accounting to discuss the situation.

MOTION: Mr. Sandefer made a motion to develop a rule to require licensees to take 1 hour of CE on 489 Part II, F.S. and 61G6, F.A.C.

SECOND: Bramlett
Motion passed unanimously.

Mr. Sandefer suggested there may be need to increase the laws and rules content of the examination.

EXAMINATION REPORT – Kenneth Hoffmann

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

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. Tibbs made a motion to accept the lists as presented.

SECOND: Mr. Flaherty.
Motion passed unanimously.

See Exhibits A, B & C.

OLD BUSINESS/ NEW BUSINESS

Email from Michael Moore re: Electrical Signs – after lengthy discussion with Mr. Moore, Ms. Loucks directed him to file a request for declaratory statement on the issue.

Email from Steve Dale, National Low Voltage Contractors Association - the issue was tabled.

Email from Jamie Johnson re: Solar Contracting – Mr. Johnson expressed concerns he had over photovoltaic work being done by Solar Contractors and the liability left to the EC who performs the final connections of the PV system.

BOARD COUNSEL'S REPORT – Deborah Loucks, Esq., Assistant Attorney General
No Report.

EXECUTIVE DIRECTOR'S REPORT – Juanita Chastain

Ms. Chastain informed the board that the Florida Building Commission had responded to a request for Declaratory Statement that permitting is required for low voltage work.

The Board gave Ms. Chastain input of future meeting locations.

CHAIRPERSON'S COMMENTS – Noel Thomas

Mr. Thomas nominated Mr. Tibbs to take his place on the probable cause panel.

Adjournment.