

**MINUTES FROM THE
NOVEMBER 14-16, 2007
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
TALLAHASSEE, FL**

The Board Meeting was called to order by Chairman Pierre Bellemare at 8:35 a.m.

**PLEDGE OF ALLEGIANCE AND INVOCATION
ROLL CALL**

Members Present

Pierre Bellemare (Chairman)
Clarence K. Tibbs (Vice Chairman)
Norman R. Mugford
Robert Bramlett
Roger E. Langer
Donald C. Penner
Paul Sandefer
Reagan Huff
Noel Thomas
Sandra MacGowan

Members Absent

Jeffrey Kiner - excused

Others Present

Anthony B. Spivey, Executive Director
Ruthanne Christie, Government Analyst I
Reginald Dixon, Esq., Assistant Attorney General
Michael Flury, Esq., Assistant Attorney General
Drew F. Winters, Esq., Assistant General Counsel
Court Reporter – Accurate Stenotype Reporters, Inc., Ph: 850-878-2221

Discussion of Journeyman Licensing - November 14, 2007

The Board held a discussion regarding the issue of Journeymen. Numerous industry representatives spoke on a variety of issues regarding journeymen licensing, requirements and education. The Board listened to numerous proposals and discussed several in detail. Highlights of the discussion included:

- Reina Mora-Blackwelder made a suggestion to standardize passing test scores across counties.
- J.B. Clark provided a proposal to put emphasis on training and education.

- Mr. Langer noted his focus for this issue has consistently been the need for continuing education for electrical workers.
- Keith Albritton raised concern about the impact of requiring a journeymen on a job – stating it would have a greater impact on residential work where jobs are smaller and more numerous than commercial jobs.
- Mr. Langer stated he did not feel background checks were necessary as part of the proposal.
- Bob Worthy gave an overview of the development of FASA and BASA requirements
- Mr. Bramlett agreed to draft a proposal for the Board to review at the January meeting for “Certified Electricians” which would include 10 years experience or completion of an approved apprenticeship program and issuance of an identification card.
- Mr. Sandefer suggested that electricians be required to take an initial training course only if they had not completed a formal education program.

Disciplinary Cases – Drew Winters, Assistant General Counsel

Steve O. Miller
Steven O. Miller & Son Electrical
0393 Canoe Brook Circle
Boca Raton, FL 33498
License #: EC 13002249
Case #: 2007-040339

Mr. Miller was not present nor represented by counsel. Mr. Miller was charged with violation of 489.531(1)(j), F.S., aiding and abetting an unlicensed contractor.

MOTION: Mr. Sandefer made a motion to impose a \$1,000 fine, \$187.84 costs .

SECOND: Mr. Langer.

Motion passed unanimously

APPLICATION REVIEW – Norman Mugford, Chairman

Second Business Applications

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

Archer, George - World Electrical Construction Llc; Campbell, Robert - A&H Protective Services Llc; Cardona, Angel - Nat Alarm Inc; Fontaine, Richard - Advanced Design Technology Systems Inc; Fuqua, Michael - Choice Security & Monitoring Llc; Gilbert, John - Intercoastal Electrical Llc; George, Nicholas - Homeland Cable Inc Dba American Cable Services; Glover, John - Vanguard Electrical Contractors Inc; Gordils, Benny - Dynamic Construction Services Of America Inc; Haywood, Paul - Bobcat Electric Corp; Jarvis, Robert - Cable

Specialists Inc; Martinez, Luis - Alarm Security Inc; Maxwell, Randy - Maxtech Inc; Mitchell, Jed - Ronco Machine & Rigging Inc; Morgan, Timothy - Morgan Electric Lakeland Llc; Morgan, Timothy - Mh Asset Management Llc; Nichols, Walter - Bayside Electric Service Llc (Transfer With More Than One License); Pinnock, Gerald - Total Intergration Inc; Renteria, Stephen - 50 State Security Service Inc; Ruddock, Everton - D & S Lighting Inc; Ruiz, Jose - Alarm Dish Telecommunications Corp; Brown, Christopher - Iverify Us Inc.; Brown, Edwin - Graphic-Signs, Inc.; Davis, Thomas; Woodward, Charles;

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. Tibbs 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 – Reginald Dixon, Assistant Attorney General

Eugene Primmer

Application Denial – Additional Business Application

This item was pulled from the agenda by Ms. Christie.

RECONSIDERATIONS – Reginald Dixon, Esq., Assistant Attorney General

William Crist

Application Denial – Certified Transfer Application

The application was denied at the September 27, meeting for lack of a letter of supervisory responsibility.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

Mark Hirshowitz

Application Denial – Unlimited Electrical Contractors' Examination

The application was denied at the September 27, 2007 meeting, for failure to demonstrate required experience working for a licensed electrical contractor.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

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

SECOND: Mr. Langer.

Motion passed unanimously.

PROSECUTING ATTORNEY'S REPORT – Drew F. Winters, Esq., Assistant General Counsel

Mr. Winters 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 25, 2007.

- 7 cases assigned to Legal after investigation
- 9 cases set for Probable Cause presentation
- 9 cases where an Administrative Complaint has been filed
- 0 case where Probable Cause was found
- 0 cases awaiting outside action
- 2 cases requesting a Formal Hearing
- 0 cases sent to consultant / expert
- 2 cases set for Board presentation
- 1 case referred to DOAH
- 7 cases awaiting Final Order
- 2 cases for settlement negotiations
- 2 case ready for default
- 0 cases for Stipulation or Request for Informal Hearing
- 2 cases requiring supplemental investigation
- 1 case pending informal hearing
- 45 total cases in Legal
- 9 cases a year old or more

UNLICENSED ACTIVITY REPORT – Drew F. Winters, Esq., Assistant General Counsel

Mr. Winters 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 May 2007.

- 48 cases in OGC
- 4 cases awaiting further investigation / expert report
- 0 cases awaiting Probable Cause determination
- 2 cases Probable Cause Found
- 24 cases where an Administrative Complaint has been filed
- 0 cases requesting an Informal Hearing
- 1 cases requesting a Formal Hearing
- 0 cases for default / failed to respond to AC
- 13 cases hearing held; awaiting final order
- 0 cases referred to DOAH
- 0 on appeal

LEGISLATIVE REPORT – Norman R. Mugford

No Report

RULES REPORT – Clarence K. Tibbs

Mr. Dixon provided the Board with a rules report updating the status of the following rules:

61G6-6.017 will become effective 11/20/2007
61G6-10.0015 published for development on 10/12/2007
61G6-5.0061 received a JAPC letter on 10/9/2007
61G6-10.0065 received a JAPC letter on 10/8/2007
61G6-10.008 notice published on 10/5/2007

Mr. Winters informed the Board that there was a need for rule language to require a license holder to verify that someone is licensed if they sub-contract electrical work to them. The Board directed Mr. Winters and Mr. Dixon to develop language on the issue for the Board to review.

Rule 61G6-4.019

MOTION: Mr. Tibbs made a motion to add "prior to discipline" to the rule language.

SECOND: Mr. Thomas.
Motion passed unanimously.

Rule 61G6-10.0065

Mr. Spivey asked the Board to review the language regarding reinstatement of Null and Void License and possible reduce or limit the fees based on Departmental concerns.

Rule 61G6-10.0015

Mr. Dixon made a minor change to the language of the proposed rule.

MOTION: Mr. Mugford made a motion to publish the proposed language with the change.

SECOND: Mr. Tibbs.

PROBATION COMMITTEE REPORT

The Board reviewed and accepted the probation reports of Gary Hillman & Tom Davis.

UNLICENSED ACTIVITY (ULA) REPORT – Norman Mugford

Michael Green, the Department of Business and Professional Regulations, Unlicensed Activity Coordinator addressed the Board and updated the members on the recent activities of his office to combat unlicensed activity. The Board asked Mr. Green to send them regular reports regarding the Departments Unlicensed Activity efforts.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

No Report

EXAMINATION REPORT – Clarence K. Tibbs

Alex Bosque and Julia Gould from the Bureau of Education and Testing addressed the Board regarding Computer Based Testing for the technical and safety portion of the examination.

The Board members discussed some of their concerns which included:

- Losing references
- Issues with the vendor
- Applicants who are not computer literate.

Mr. Bosque informed the members that the plans are to keep the same references. The current vendor already administers the business portion of the exam by computer and there have been no major issues that he is aware of with either the vendor or the candidates who are not computer literate. The target date for administering the first computer based exam is March 2009.

MOTION: Mr. Mugford made a motion to direct D.B.P.R. to pursue computer based testing.

SECOND: Mr. Tibbs.

ENDORSEMENT REPORT – Jeffrey M. Kiner

No report.

RATIFICATION OF APPLICATIONS – Norman Mugford

The lists will be attached to the minutes and are hereby incorporated by reference. (Lists are attached as exhibits A, B, C & D).

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

SECOND: Mr. Langer.

Motion passed unanimously.

See Exhibits A, B, C and D.

OLD BUSINESS/ NEW BUSINESS

Locksmith Licensing

Richard Formica addressed the Board regarding the Locksmith Associations proposal for licensing for locksmiths and asked the Board to support their proposal.

Solar Energy Licensing

The Board reviewed requests from Timothy Proksch and Ray Burroughs regarding solar contracting. The Board directed staff to suggest that the individuals file requests for Declaratory Statements on the issues.

BOARD COUNSEL'S REPORT – Reginald Dixon, Esq., Assistant Attorney General

No Report

EXECUTIVE DIRECTOR'S REPORT – Anthony B. Spivey

The Board was provided a list of proposed meeting dates for fiscal year 2007-2008.

January 17 -18, 2008 – Amelia Island Plantation

March 13-14, 2008

May 14-16, 2008

Mr. Spivey directed the Board's attention to the Enforcement report which was provided for their information.

CHAIRPERSON'S COMMENTS – Pierre Bellemare

The chairman thanked everyone for their efforts and adjourned the meeting.

Electrical Contractors' Licensing Board
Meeting Minutes
November 2007

Adjournment.