

**MINUTES FROM THE  
November 16, 17 & 18, 2005  
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING**

**Department of Business and Professional Regulation  
Professions Board Room  
1940 North Monroe Street  
Tallahassee, FL 32399**

The Board Meeting was called to order by Chairman Norman Mugford at 8:33 a.m.

**PLEDGE OF ALLEGIANCE AND INVOCATION** – Paul Sandefer

**ROLL CALL- Members Present**

Pierre A. Bellemare  
Robert Bramlett  
Roger E. Langer  
Norman R. Mugford, Chairman  
Lewis Roberts  
Paul W. Sandefer, Vice-Chairman  
Rae Small  
Clarence K. Tibbs  
Kimberly A. DeBerry

**ROLL CALL- Member Absent**

Jeffrey M. Kiner  
Donald C. Penner

**OTHERS PRESENT**

Anthony Spivey, Executive Director  
Ruthanne Christie, Government Analyst I  
Mary Ellen Clark, Esq., Assistant Attorney General  
Reginald Dixon, Esq., Assistant Attorney General  
Drew F. Winters, Esq., Assistant General Counsel  
Court Reporter

The Board approved the following meeting minutes:

- July 28-29, 2005 Meeting, Tampa, FL
- September 8, 2005, Teleconference
- September 22-23, 2005 Meeting, Palm Beach, FL
- November 4, 2005, Teleconference

**Disciplinary Cases – Drew Winters, Assistant General Counsel**

**Kenneth W. Alderman  
c/o Mark C. Bryan, Esq.  
Lippes & Bryan, P.A.  
One Enterprise Center  
225 Water Street, Ste. 2100  
Jacksonville, FL 32202  
License Number: EC1803  
Case Number: 2004-058839  
Informal Hearing  
Recused: Sandefer & Tibbs**

An administrative complaint was filed on 8/15/2005 charging the respondent with violation of s. 489.533(1)(j), F.S., by aiding and abetting unlicensed activity.

Respondent was not present nor represented by counsel.

**MOTION:** Ms. Small made a motion to accept the Findings of Fact and Conclusions of Law as stated in the Administrative Complaint.

**SECOND:** Mr. Bellemare.

Motion passed unanimously.

**MOTION:** Mr. Bellemare made a motion to impose costs in the amount of \$192.77, a fine of \$1000.00 and 1 year probation.

**SECOND:** Mr. Roberts.

Motion passed unanimously.

**Gerald B. Schill  
Current Electric Contracting, Co.  
4661 Donovan Street  
Orlando, FL 32808  
License Number: ER14893  
Case Number: 2004-007388  
Motion for Waiver of Rights  
Recused: Small, Sandefer, Tibbs**

An administrative complaint was filed on 11/2/2004 charging the respondent with violation of s. 489.533(1)(a), F.S. and 455.227(1)(q), F.S. by failure to comply with a lawful order of the Department or Board.

Respondent was not present nor represented by counsel.

**MOTION:** Mr. Bellemare made a motion to accept the motion for Waiver of Rights and Final Order.

**SECOND:** Mr. Roberts.

Motion passed unanimously .

**MOTION:** Mr. Bellemare made a motion to accept the findings of fact and conclusions of law as stated in the Administrative Complaint.

**SECOND:** Mr. Roberts.

Motion passed unanimously.

**MOTION:** Mr. Langer made a motion to Revoke the respondent's license, citing the aggravating factor of failure to respond to the Board and no attempt to comply with probation.

**SECOND:** Mr. Roberts.

Motion passed unanimously.

**Francisco Guerra**  
**13010 SW 105 Avenue**  
**Miami, FL 33176**  
**License Number: EC1033**  
**Case Number: 2004-037608**  
**Motion for Waiver of Rights**  
**Recused: Small, Sandefer, Tibbs**

This case was pulled from the agenda by Drew Winters, Esq., Assistant General Counsel.

**Michael Brant**  
**Simplex Grinell L.P.**  
**4701 Fair Oaks Blvd.**  
**Tampa, FL 33610**  
**License Number: EF0001086**  
**Case Number: 2004-038369**  
**Motion for Waiver of Rights**  
**Recused: Sandefur, Tibbs**

This case was pulled from the agenda by Drew Winters, Esq., Assistant General Counsel.

**Ronald Robinson**  
**3741 Haines Street**  
**Port St. Lucie, FL 34953**  
**License Number: EC14283**

**Case Number: 2004-011452**  
**Motion for Waiver of Rights**  
**Recused: Small, Sandefer, Tibbs**

An administrative complaint was filed on 12/13/2004 charging the respondent with violation of s. 489.533(1)(j), F.S. by aiding and abetting unlicensed activity.

Respondent was not present nor represented by counsel.

**MOTION:** Mr. Bellemare made a motion to accept the motion for Waiver of Rights and Final Order.

**SECOND:** Mr. Bramlett.

Motion passed unanimously

**MOTION:** Mr. Bellemare made a motion to accept the findings of fact and conclusions of law as stated in the Administrative Complaint.

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

**MOTION:** Mr. Langer made a motion to impose costs in the amount of \$819.13, a fine of \$4,000.00 and 1 year suspension of the respondent's license followed by 1 year probation.

**SECOND:** Mr. Roberts.

Motion passed unanimously.

**David Eigliarsh**  
**304 Mallard Rd.**  
**Weston, FL 33327**  
**License Number: EF611**  
**Case Number: 2004-022993**  
**Settlement Stipulation**  
**Recused: Small, Sandefer, Tibbs**

An administrative complaint was filed on 11/2/2004 charging the respondent with violation of s. 489.533(1)(a) and s. 455.227(1)(q), F.S., by failure to comply with a lawful order of the Department or the Board.

On 9/16/2005, the Department entered into a Settlement Stipulation with the respondent imposing a penalty of costs in the amount of \$185.48.

Respondent was neither present nor represented by counsel.

**MOTION:** Mr. Bellemare made a motion to accept the Settlement Stipulation.

**SECOND:** Mr. Roberts.

Motion passed unanimously.

### **APPLICATION REVIEW – Norman Mugford, Chairman**

Deputy Secretary Dennis Yecke introduced himself to the Board members.

#### Second Business Applications

Present during this portion of the meeting were: George Blevens Jr; Henry Doughty; Ashley Foster; Donald Jernigan; Thomas Laessig; Arnaldo Mateos; Bernard Paul-Hus; Henry Rucker; Matthew Waller; Luc Lapointe; Steven Zucker; Ray Lorenzo; Joseph Summanen; James Hanson; Dominick Lacombe; Darren Stone; Jason Huddleston; Richard Banten; Raymond Eldridge; Kevin Meany; James Kimes; William Varhol; John Damiano; Dennis Byrn; William Price; Kevin Harbin; Anthony Spann; Emmett Norton; Perry Pestano; David Hayes; Michael Biro; Douglas Smith; Gerald Martinez; Raymond T. Eldredge; William N. Varhol

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. Mugford 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 – Mary Ellen Clark, Assistant Attorney General**

#### **Maxwell Cobb**

#### **Application Denial - Certification of a Registered License**

This matter originally came before the board on May 18, 2005, the board denied the application on the grounds the applicant was convicted of felonies and did not provide proof his civil rights had been restored pursuant to section 112.011(1)(b), F.S. The Notice of Intent to Deny was filed on 6/13/2005. Mr. Cobb timely submitted an Election of rights form. Mr. Cobb requested continuances at the July, 2005 and September, 2005 meetings which were granted by the board.

Mr. Cobb was present and sworn in by the Court Reporter.

**MOTION:** Mr. Bellemare made a motion to grant a continuance for 6 months.

**SECOND:** Ms. DeBerry.

The motion passed unanimously.

**Mark Crawford**  
**Application Denial – Endorsement**

This matter originally came before the board on July 29, 2005, the board denied the application on the grounds the applicant failed to demonstrate that he had taken a substantially similar exam per 489.511(6)(b), F.S. Mr. Crawford timely submitted an Election of rights form.

Mr. Crawford was present and sworn in by the Court Reporter. Mr. Crawford amended his application.

**MOTION:** Mr. Sandefer made a motion to reverse the Denial.

**SECOND:** The motion was seconded.

The motion passed unanimously.

**Mitchell Thomas**  
**Application Denial – Limited Energy Specialty Examination**

This matter originally came before the board on September 22, 2005, the board denied the application on the grounds the application failed to show financial responsibility as required by s. 489.515(1)(b), F.S. Mr. Thomas timely submitted an Election of Rights form.

Mr. Thomas 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. Sandefer

The motion passed unanimously

**Jonathan Warmke**  
**Application Denial – Lighting Maintenance Specialty Exam**

This matter originally came before the board in July, 2005, the application failed to the work experience required by s. 489.511(2)(a), F.S. and Rule 61G6-7.001(1), F.A.C.. Mr. Warmke timely submitted an Election of rights form.

Mr. Warmke was present and sworn in by the Court Reporter. Mr. Warmke agreed he did not dispute the material facts.

**MOTION:** Ms. DeBerry made a motion to reverse the Denial and approve the application.

**SECOND:** Mr. Roberts.

The motion passed with 2 opposed.

**David Provo**  
**Application Denial – Unlimited Electrical Contractor Examination**

This matter originally came before the board in September, 2005, the board denied the application on the grounds the application did not demonstrate at least 40% of work experience in 3-phase service as required by s. 489.514(2)(a), F.S. Mr. Provo timely submitted an Election of rights form.

Mr. Provo 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. Sandefer.

The motion passed unanimously.

**Kenneth Murtaugh**  
**Application Denial – Unlimited Electrical Contractor Examination**

This matter originally came before the board in September, 2005, the board denied the application on the grounds the application did not demonstrate experience in the trade as required by s. 489.514(2)(a)3e, F.S. Mr. Murtaugh timely submitted an Election of rights form.

Mr. Murtaugh 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.

The motion passed unanimously.

**RECONSIDERATIONS - Mary Ellen Clark, Esq., Assistant Attorney General**

**Johnny Pannell**  
**Application Denial - Registration**

Mr. Pannell was present and sworn in by the Court Reporter.

Mr. Pannell requested additional time to take the examination, and stated he is in the process of taking it in Bay County.

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

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

**MOTION:** Mr. Bellemare made a motion to continue the matter to the January 2006 2005 meeting.

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

**Randall Pumphrey  
Application Denial – Certification of Registered Contractor (Grandfathering)**

Mr. Pumphrey was not present nor represented by counsel.

The Board did not reconsider the application.

**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 20, 2005.

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



## **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 September, 2005.

- ◆ 64 cases in OGC
- ◆ 2 cases awaiting further investigation / expert report
- ◆ 2 cases awaiting Probable Cause determination
- ◆ 0 case set for Probable Cause
- ◆ 39 cases where an Administrative Complaint has been filed
- ◆ 2 cases requesting an Informal Hearing
- ◆ 5 cases requesting a Formal Hearing
- ◆ 3 cases for default / failed to respond to AC
- ◆ 10 cases hearing held; awaiting final order
- ◆ 0 cases re-opened
- ◆ 0 cases on appeal

## **LEGISLATIVE REPORT – Norman R. Mugford**

The Board planned to discuss the drafts of the following proposed legislation;

### **Draft language for 489.5188 – Electrical System Agents**

The Board withdrew the language on the November 4, 2005 conference call. There was no further discussion.

### **Draft Language for 489.505 (29) – Definitions**

The Board withdrew the language on the November 4, 2005 conference call. There was no further discussion.

## **RULES REPORT – Clarence K. Tibbs**

Ms. Clark presented the Rules report to the board.

**Rule 61G6-9.006(11), F.A.C.**, Approval of Continuing Education Courses – The following Language became effective on 10/17/2005.

(11) Of the required 14 continuing education hours, up to a licensee may earn three business hours credit ~~may be earned~~ by attending, for at least three hours, a meeting of the board wherein disciplinary cases are considered. Licensees must attend the complete agenda of disciplinary cases to receive the continuing education hours. At least 7 days advance notice of the intent to attend the disciplinary case session must be given to the Board, and the licensee must check in with the Clerk of the Board prior to the beginning of disciplinary proceedings. ~~A maximum of 3 hours will be allowed during a~~

renewal cycle. Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action.

**Rule 61G6-10.002, F.A.C. – Violations and Penalties**

This rule was noticed for development on 8/19/2005.

Ms. Clark, Mr. Dixon, Mr. Tibbs, Mr. Winters, Mr. Spivey and staff met to draft the rule changes for Rule 61G6-10.002, F.A.C., on November 16, 2005 in Tallahassee prior to Probable Cause Panel.

The Board will hold a conference call on January 6, 2006 at 10:00 a.m. to discuss the proposed changes as provided to the members.

**PROBATION COMMITTEE REPORT – Paul W. Sandefer**

Mr. Sandefer stated that the reports submitted by Mark Nash, Case No. 2002-008546, Stephen Cunningham, Case No. 2003-083802, David Lee McConnell, Case No. 2002-001636 and Richard Sawyer, Case No. 2004-030662 all appeared to be in order. Mr. Sandefer also directed the board's attention to the November 2005 Probation Tracking List that staff had prepared.

**MOTION:** Mr. Sandefer made a motion to approve the reports.

**SECOND:** Mr. Langer.

Motion passed unanimously.

**UNLICENSED ACTIVITY (ULA) REPORT – Kimberly A. DeBerry**

No report was given

**FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs**

Ms. Jean Whitten, Director of the Office of Budget and Financial Management addressed the Board regarding it's budget deficit. Ms. Whitten provided the Board with several possible scenarios to bring the budget out of a deficit situation. She recommended the Board adopt a one time \$25.00 fee assessment to be added to the upcoming renewal.

**MOTION:** Mr. Tibbs made a motion accept the proposal and implement a \$25.00 special assessment to be added to the 2006 renewal.

**SECOND:** Mr. Roberts.

Motion passed unanimously.

The Board requested that information on the assessment be added to the upcoming newsletter.

**EXAMINATION REPORT – Clarence K. Tibbs**

None was given.

**ENDORSEMENT REPORT – Jeffrey M. Kiner**

None was given.

**RATIFICATION OF APPLICATIONS – Norman Mugford/Pierre Bellemare**

Ms. Christie stated for the record that the lists would be attached to the minutes and incorporated by reference.

**MOTION:** Mr. Tibbs made a motion to accept the ratification lists.

**SECOND:** Mr. Sandefer.

Ms. Christie stated for the record that the ratification lists included the Continuing Education Committee results, Examination Application Review results, Additional Business Application Review results, Application Review results and the Ratification list of Application Processed by Department Staff. The lists will be attached to the minutes and are hereby incorporated by reference. (Lists are attached as exhibit A, B & C).

The board voted on the motion. The motion passed unanimously.

**ADDITIONAL BUSINESS ENTITIES APPROVED:**

See Exhibit A

**APPROVED APPLICATIONS**

See Exhibit A

**APPROVED EXAM APPLICATIONS**

See Exhibit A

**DENIED APPLICATIONS**

**ENDORSEMENT**

See Exhibit A

**CERTIFICATION OF REGISTERED CONTRACTOR (GRANDFATHERING)**

See Exhibit B

**REGISTRATION**

See Exhibit A

**EXAMINATION**

See Exhibit A

**CONTINUING EDUCATION COMMITTEE**

See Exhibit C

**OLD BUSINESS/ NEW BUSINESS**

**Mike Long and Gabrielle Maseo, Esq. State Fire Marshall's Office**

Mr. Long addressed the Board regarding concerns of some Board members and licensees that some local A.H.J's (Authority having jurisdiction) have required UL certification of alarm systems before they will approve the jobs. The Board and some licensees feel this contradicts provisions in Chapter 489 part II of the Florida Statutes.

Mr. Long gave an overview of the State Fire Marshall's role in the process and a summary of the various types of monitoring permitted under their regulations.

The Board members and Mr. Long discussed the issue at length.

It was suggested that the issue needed to be addressed under the statutes and rules governing the Fire Marshall's.

**Ronald Safford, Coordinator of the Alternative Dispute Resolution Program  
Department of Business and Professional Regulation**

Mr. Safford addressed the Board and requested the Board consider expanding the guidelines for Alternate Dispute Resolution citing the cost savings over traditional investigation and prosecution. Mr. Safford provided the Board members with a copy of the March 2005 OPPAGA Report citing the benefits of Alternate Dispute Resolution.

**Javier Paulino Rojas - Request for Emergency Registration upon the death  
of a contractor per 489.523**

**MOTION:** Mr. Sandefer made a motion to approve the emergency registration.

**SECOND:** Ms. DeBerry.

Motion passed unanimously.

**Request for opinion from Laura P. Gaffney, Chief Attorney – Unlicensed  
Activity, Department of Business and Professional Regulation investigation  
of cases regarding replacement of ceiling fans and small fixtures.**

Ms. Gaffney withdrew her request.

**BOARD COUNSEL'S REPORT – Mary Ellen Clark, Esq., Assistant Attorney General**

Ms. Clark updated the Board on the status of the appeal before the DCA on the denial of Keith Vetter's application for registration due to lack of civil rights. The case is still pending before the DCA, there was no new information to report to the Board.

Ms. Clark informed the Board that there was an appeal filed with the DCA by Alan Ray Hall, whose application for endorsement was denied. Ms. Clark informed the Board that the record was currently being prepared for the court in that case.

Ms. Clark provided the Board with a copy of an article regarding the Sunshine Law and reminded them of the requirements of that law.

**EXECUTIVE DIRECTOR'S REPORT – Anthony B. Spivey**

Mr. Spivey directed the Boards attention to the ECLB Monthly Performance Report and the Enforcement Report.

Mr. Spivey asked the Board if they wished to send a representative of the ECLB to the January 2006 Construction Industry Licensing Board meeting in Ocala, FL per 489.507(6), F.S. The Board nominated Chairman, Norman Mugford to attend that meeting.

Mr. Spivey directed the Board's attention to a letter from Cable Fire Research Association regarding the issue of UL certification.

Staff provided the members with a copy of the disciplinary information to be included in the next newsletter. Mr. Spivey requested that the members submit articles and suggestions to him as soon as possible for inclusion in the newsletter.

**CHAIRPERSON'S COMMENTS – Norman Mugford**

Mr. Mugford updated the Board on his trip to the NASCLA Conference.

Mr. Mugford thanked Ms. Clark for her service to the Board.

Mr. Mugford expressed appreciation for the work done by the board members, counsel and staff.

**Adjournment.**