

**MINUTES FROM THE
NOVEMBER 16 & 17, 2006
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 Paul Sandefer at 8:30 a.m.

**PLEDGE OF ALLEGIANCE AND INVOCATION
ROLL CALL**

Members Present

Pierre A. Bellemare, Vice-Chairman
Robert Bramlett
Curtis Falany
Norman R. Mugford
Donald C. Penner
Paul W. Sandefer, Chairman
Rae Small
Clarence K. Tibbs
Roger E. Langer
Lewis Roberts

Members Absent

Jeffrey M. Kiner - Excused

Others Present

Anthony Spivey, Executive Director
Michelle Franckhauser, Administrative Assistant II
Ruthanne Christie, Government Analyst I – 11/16/06 afternoon only
Reginald Dixon, Esq., Assistant Attorney General
Drew F. Winters, Esq., Assistant General Counsel
Court Reporter – Sue S. Habershaw, Habershaw Reporting Service, Ph. 850-385-9426

Disciplinary Cases – Drew Winters, Assistant General Counsel

**Glaubert Regalado
c/o Sergio Guzman, Esq.
2440 Coral Way
Miami, FL 33145**

License #: ER13013482
Case #: 2006-046127
Settlement Stipulation
Recused: Small, Penner and Tibbs

An administrative complaint was filed on 9/7/2006 charging the respondent with violation of s. 455.227(1)(h), F.S., obtaining or renewing a license by bribery, fraud or misrepresentation. Respondent was neither present nor represented by counsel.

MOTION: Mr. Mugford made a motion to accept the stipulation and waive the appearance requirement.

SECOND: Mr. Tibbs
Motion failed 3 in favor, 4 opposed.

MOTION: Mr. Bellemare made a motion to impose a \$10,000, costs and permanent revocation and appearance before the Board.

SECOND: Mr. Roberts
Motion failed 3 in favor, 4 opposed.

MOTION: Mr. Bellemare amended the motion to remove appearance before the Board.

SECOND: Mr. Roberts
Motion failed 2 in favor, 5 opposed.

Mr. Winters stated that since the Board had rejected the stipulation and he would take the issues from the discussion and go forward with the case.

Mr. Spivey introduced Susan Bodell, Professor from the Florida State University College of Law. She addressed the Board and informed them that she and her students were attending the meeting to see Administrative Law in action.

Douglas Houle
d/b/a Perdido Electric Co. Inc
8144 Island Court
Starwood, MI 49346
License #: EC0001785
Case #: 2005-055175
Hearing pursuant to 120.57(2)
Recused: Small, Penner and Tibbs

An administrative complaint was filed on 10/11/2006 charging the respondent with

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violation of s. 489.533(1)(j), F.S. performing any act which assists a person in the uncertified or unregistered practice of contracting. Respondent was present and sworn in by the court reporter.

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

SECOND: Mr. Bellemare.
Motion passed unanimously.

MOTION: Mr. Roberts made a motion to impose a fine of \$200.00 and costs of \$319.42.

SECOND: Mr. Bellemare.
Motion passed unanimously.

Lawrence J. Bill
d/b/a C & L Bill Electric
1635 Jefferson Avenue
Ft. Myers, FL 33901
License #: ER 11828
Case #: 2005-050606
Hearing pursuant to 120.57(2)
Recused: Small, Penner and Tibbs

An administrative complaint was filed on 8/25/2006 charging the respondent with violation of s. 489.533(1)(m)(4), F.S., committing financial mismanagement that causes financial harm to a customer. Respondent was present and sworn in by the court reporter.

MOTION: Mr. Bellemare made a motion to accept the findings of fact.

SECOND: Mr. Bellemare.
Motion passed unanimously.

MOTION: Mr. Mugford made a motion to continue the case to the next meeting to allow Mr. Bill time to arrange a payment plan with the complainant.

SECOND: Mr. Roberts.
Motion passed unanimously.

Wilbur E. Gifford
c/o Elton J. Gissendanner, Esq.
1304 S. Desoto Avenue, #100
Tampa, FL 33606
License Number: EC 13002445
Case Number: 2005-048528
Settlement Stipulation
Recused: Small, Sandefer and Tibbs

An administrative complaint was filed on 2/7/2006 charging the respondent with violation of s. 489.533(1)(m)(4), F.S., committing financial mismanagement that causes financial harm to a customer. Respondent was present and sworn in by the court reporter.

MOTION: Mr. Mugford made a motion to accept the stipulation imposing a fine of \$750.00 and costs of \$109.23 and respondent's license shall be placed on probation for 6 months.

SECOND: Mr. Langer.

Motion passed unanimously

Garry M. Hillman
215 SE 22nd Street
Cape Coral, FL33990
License Number: ER 13361
Case Number: 2005-049779
Settlement Stipulation
Recused: Small, Sandefer and Tibbs

An administrative complaint was filed on 4/3/2006 charging the respondent with violation of s. 489.533(1)(m)(4), F.S., committing financial mismanagement that causes financial harm to a customer. Respondent was present and sworn in by the court reporter.

MOTION: Mr. Mugford made a motion to accept the stipulation imposing a fine of \$500.00, costs of \$162.04 and respondent's license shall be placed on probation for 1 year.

SECOND: Mr. Bramlett.

Motion passed unanimously

APPLICATION REVIEW – Norman Mugford, Chairman

Second Business Applications

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

Randall Hill, Dale Brickner, Jerry Hammett, Glen Jordan, Robert Ally, Mike Oliver, Michael Aston, Juan M. Mendez, Warren C. West, Lawrence Perry, Dennis Grenet, Bryan Hatton, Richard Schneider, George Cancio, H. Kroger, Craig Holder, Cosper Lee Tulos, Jr., Stephen Turner, Peter R. Fucini, Jorge Rodriguez, Robert Eddins, William McKinney, Jon Paradis, William P. Keith, Alan Barley, James Middleton, Gilberto Garcia, Steven Boyet, Steven Yamamoto and Mike Smith.

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. Bellemare 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.

Mr. Sandefer welcomed Deputy Secretary, Dennis Yecke to the meeting.

Mr. Yecke addressed the Board briefly and thanked the Board Members for their service to the Board and the Department.

Mr. Sandefer welcomed Division of Professions Director, Tim Vaccaro to the meeting.

Mr. Vaccaro thanked the Board Members for the service they provide and their professional manner.

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT – Reginald Dixon, Assistant Attorney General

Ronald Brodie

Application Denial – Transfer to New Business Entity

Continued

Felix Martin - Application Denial – Additional Business

Additional Information provided to supplement the agenda.

Attorney for Complete Wiring, Inc., Yvette Rodriguez-Brown, Esq. and attorney for Felix Martin, Mr. Valantasis, Esq. with Felix Martin appeared telephonically. The application was denied at the May 18, 2006 meeting, a Notice of Intent to Deny was filed on June 12, 2006. Ms. Brown's office filed a request for hearing on behalf of Complete Wiring, Inc. Mr. Dixon informed the Board it was his legal opinion that Complete Wiring, Inc. did not have the standing to request a hearing, and recommended the Board deny the request for hearing.

MOTION: Mr. Mugford made a motion to deny the petition of Complete Wiring, Inc. to review the order.

SECOND: Mr. Bellemare.
Motion passed unanimously.

MOTION: Ms Small made a motion to deny the request of Complete Wiring, Inc. for hearing.

SECOND: Mr. Mugford.
Motion passed unanimously.

Mr. Martin was sworn in by a notary present at his location.

Mr. Martin verbally requested to have a formal hearing per 120.57(1), F.S.

MOTION: Mr. Mugford made a motion to allow Mr. Martin to file an election of rights.

SECOND: Mr. Tibbs.
Motion passed unanimously.

MOTION: Mr. Mugford made a motion to allow Mr. Martin 21 days from this date to file an election of rights form.

SECOND: Mr. Roberts.
Motion passed unanimously.

Mr. Dixon reiterated the Board's previous decision, delegating authority to him to determine if a petition has a clear dispute of material fact and allowing him to refer such petitions to the Division of Administrative Hearings without further review by the Board.

**PETITION FOR ADMINISTRATIVE HEARING – Reginald Dixon, Esq.,
Assistant Attorney General**

None

RECONSIDERATIONS – Reginald Dixon, Esq., Assistant Attorney General

Leon Hobbs

**Application Denial –Certified Alarm System I Contractors License by
Endorsement**

Mr. Hobbs was present and sworn in by the Court Reporter. The application was denied at the July 20, 2006 meeting, a Notice of Intent to Deny was filed on August 25, 2006.

MOTION: Mr. Mugford 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. Tibbs.

Motion passed unanimously.

Henry Vidal

Application Denial –Certification of Registered Contractor

Mr. Vidal was not present nor represented by counsel. The application was denied at the January 2006 meeting, a Notice of Intent to Deny was filed in March 2006, the denial was upheld at the July 2006 meeting, a final order was filed August 25, 2006.

MOTION: Mr. Bramlett made a motion to deny the request for review of the final order.

SECOND: The motion was seconded.

Motion passed unanimously.

BOARD MEMBER TRAINING - Anthony B. Spivey, Executive Director

The board received board member training utilizing the power-point presentation developed by the Divisions of Professions and Regulation. Mr. Dixon and Mr. Winters assisted Mr. Spivey during the presentations. The board commented favorably of the presentation.

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 November 14, 2006.

- 16 cases assigned to Legal after investigation
- 16 cases set for Probable Cause presentation
- 14 cases where an Administrative Complaint has been filed
- 0 case where Probable Cause was found
- 0 cases awaiting outside action
- 5 cases requesting a Formal Hearing
- 0 cases sent to consultant / expert
- 11 cases set for Board presentation
- 2 case referred to DOAH
- 5 cases awaiting Final Order
- 8 cases for settlement negotiations
- 2 case ready for default
- 5 cases for Stipulation or Request for Informal Hearing
- 0 cases requiring supplemental investigation
- 0 case pending informal hearing

- 100 total cases in Legal
- 19 cases a year old or more

MOTION: Mr. Bellemare to continue moving forward with the year old cases.

SECOND: Mr. Bramlett.

Motion passed unanimously.

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

March, 2006.

- 87 cases in OGC
- 1 cases awaiting further investigation / expert report
- 6 cases awaiting Probable Cause determination
- 8 cases Probable Cause Found
- 27 cases where an Administrative Complaint has been filed
- 18 cases requesting an Informal Hearing
- 6 cases requesting a Formal Hearing
- 8 cases for default / failed to respond to AC
- 8 cases hearing held; awaiting final order
- 5 cases referred to DOAH

LEGISLATIVE REPORT – Norman R. Mugford

No Report.

RULES REPORT – Clarence K. Tibbs

Mr. Dixon updated the Board on the following rules.

61G6-10.0065, F.A.C. – Reinstatement of Null and Void – Mr. Dixon asked that the board withdraw the rule until the Department develops the application form. Once the application form is ready the Board can reopen the rule.

MOTION: Mr. Bramlett made a motion to withdraw this rule.

SECOND: Mr. Bellemare.

Motion passed unanimously.

61G6-5.001(17), F.A.C. Definition of Verification Call – Mr. Dixon recommended the Board withdraw the rule since all information he found would require considerable incorporation by reference as to the standards for a verification call. Mr. Mugford agreed to work with Mr. Dixon.

MOTION: Mr. Mugford made a motion to withdraw this rule.

SECOND: Mr. Bellemare.
Motion passed unanimously.

The Board was provided a copy of proposed changes to 61G6-12.004, F.A.C. Continuing Education Requirements for Fire Alarm Agents and 61G6-12.0016, F.A.C. Continuing Education Requirements for Burglar Alarm Agents drafted by Mr. Mugford.

Mr. Mugford withdrew the proposed changes to 61G6-12.004, F.A.C. and 61G6-12.0016, F.A.C.

Lightening Rods and related systems – still being drafted by Mr. Dixon

Additional Business Requirements for Registered Contractors - still being drafted by Mr. Dixon

Mr. Dixon requested the next agenda include 61G6-5.001(11) – Experience – remove “via direct observation”.

MOTION: Mr. Tibbs made a motion to open this rule for development.

SECOND: Motion was seconded.

Motion passed unanimously.

Mr. Dixon asked that Board members email him or staff with any information they want to have considered for inclusion in the definition of Lightening Rods and Related Systems.

PROBATION COMMITTEE REPORT – Paul W. Sandefer

The Board reviewed an abbreviated report from staff. Mr. Sandefer noted that reports on Mr. Alderman and Mr. Nash appeared to be late. Mr. Spivey informed the Board he would have Ms. Christie research this matter and update the Board at the January meeting.

UNLICENSED ACTIVITY (ULA) REPORT –

No Report

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

Mr. Spivey directed the Board's attention to the financial reports dated September 30, 2006 for the Operating Account and the Unlicensed Activity Account.

EXAMINATION REPORT – Clarence K. Tibbs

Mr. Tibbs informed the Board that an exam was given 2 weeks ago and there was no information to report at this time. Mr. Tibbs notified the Board that Joe Muffoletto was currently being replaced by Steve Allen until a permanent replacement could be found.

ENDORSEMENT REPORT – Jeffrey M. Kiner

No report.

CONTINUING EDUCATION COMMITTEE – Pierre Bellemare

Mr. Bellemare reported the committee discussed the following issues:

- The continuing education coursework committee introduced some suggested changes to the format in which Fire Alarm System Agent (FASA) and Burglar Alarm System Agent courses are presented. Representatives from the Bureau of Education and Testing were in attendance during the discussions. Currently, the courses consist of video and Internet presentations. The committee suggested future video courses should consist of no more than ten percent video format with the remainder of the courses being in-class participation. The committee also suggested that FASA/BASA courses presented on the Internet format being eliminated in their entirety and be presented as in-class courses.
- Additional suggested changes were to require the renewal of the two-year six-hour agent course on a pre-determined time period which would have all agents renewing their status during the same period as the electrical/alarm licensees.
- The committee suggested change to the FASA/BASA agent course is to require the agent to re-take the initial 14-hour course if the renewal course is not done within the two-year period after expiration of the initial course.
- As an action item, all the above suggested changes will be forwarded to the board for review before the next meeting in January so that comments can be provided and rule drafts can be developed, as necessary.

RATIFICATION OF APPLICATIONS – Norman Mugford

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

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

SECOND: Ms. Small.

Motion passed unanimously.

See Exhibit's A, B and C.

OLD BUSINESS/ NEW BUSINESS

The next Board Meeting will be in St. Augustine, FL on January 18 & 19 2007.

Emergency Registration – John Nagel, the Board did not take action on this request since an additional business application was approved on Thursday for the same business.

The Board members expressed concern with the number of complaints they receive from the public about the service provided by the Customer Contact Center. The Board's concerns were:

- Inaccurate Information
- Extremely long wait times
- Having to repeat your question to multiple people as you are transferred

The Board requested that Mr. Spivey relay their concerns to the Administration. Mr. Spivey agreed to do as the Board requested.

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

Mr. Dixon updated the Board on the following litigation:

David Rheume – (Division of Administrative Hearings) Hearing was held on November 9, 2006 and proposed recommended orders will be filed.

Jerry Webb – (Division of Administrative Hearings) The case was continued by the administrative law judge.

Alan Ray Hall – (District Court of Appeals) Answer brief is due on Monday
Outdoor Lighting Perspectives, Inc. – (District Court of Appeals) Petitioner has filed an appeal of the declaratory statement.

EXECUTIVE DIRECTOR'S REPORT – Anthony B. Spivey

Mr. Spivey directed the board's attention to the Enforcement Report which provides statistical information on incoming complaints, the ECLB monthly performance report which provides statistical information of calls, applications and complaints received by DBPR.

CHAIRPERSON'S COMMENTS – Paul Sandefer

The chairman thanked the Board for their support and hard work.

Mr. Roberts addressed the Board and informed them that due to medical reasons he was resigning and this would be his last meeting unless he was need for a quorum. He stated he had enjoyed working with everyone and his time on the Board.

Mr. Sandefer stated the Board appreciated his service to the Board as the consumer advocate and wished him well. Mr. Sandefer offered the thanks of the Board to Mr. Roberts for his mentorship to all of the members.

Mr. Spivey stated he anticipated a replacement from the Governor's office in the near future.

Adjournment.