

**MINUTES FROM THE
January 26 & 27, 2006
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Hilton Garden Inn
Pensacola Beach, FL**

The Board Meeting was called to order by Chairman Norman Mugford at 8:30 a.m.

PLEDGE OF ALLEGIANCE AND INVOCATION – Paul Sandefer

ROLL CALL- Members Present

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

OTHERS PRESENT

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

The board approved the January 6, 2006 conference call minutes.

Disciplinary Cases – Drew Winters, Assistant General Counsel

Robert E. Douglas
36425 Covington Road
Dade City, FL 33525
License Number: EC 0002552
Case Number: 2001-04277
120.57(2) Hearing

Recused: Small, Sandefer & Tibbs

An administrative complaint was filed on 10/18/2005 charging the respondent with 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 neither present nor represented by counsel.

MOTION: Mr. Penner made a motion to accept the findings of facts and conclusions of law as stated in the administrative complaint.

SECOND: Mr. Sandefer
Motion passed unanimously.

MOTION: Mr. Langer made a motion to impose a fine of \$1000.00, 1 year suspension with an appearance before the board for reinstatement of licensure and costs of \$266.99

SECOND: None

Motion died for lack of a second.

MOTION: Mr. Bellemare made a motion to impose a fine of \$1000.00, 1 year probation with 2 appearances before the board (1 every 6 months) and costs of \$266.99

SECOND: Mr. Roberts.

Motion passed unanimously.

Dennis W. Freeman
d/b/a Gulf Coast Electric, Inc.

13227 Brutus Drive

Hudson, FL 34667

License Number: ER0010284

Case Number: 2005-041207

120.57(2) Hearing

Recused: Small, Sandefer, Tibbs

An administrative complaint was filed on 4/11/2005 charging the respondent with violation of s. 489.533(1)(j), F.S. violating the applicable building codes or laws of the state or any municipality or county thereof.

Respondent was present and sworn in by the court reporter.

Respondent provided the board with an example of the work he was cited for and it was passed around to each member.

MOTION: Mr. Kiner made a motion to accept the findings of facts and conclusions of law as stated in the administrative complaint.

SECOND: Mr. Bellemare.

Motion passed unanimously.

MOTION: Mr. Kiner made a motion to impose costs in the amount of \$241.97 and issue a reprimand

SECOND: Mr. Bramlett.

Motion passed unanimously.

Mr. Winters will notify the local jurisdiction of the decision and a copy of the final order will also be sent to them.

Ronald R. Rennhack

3336 SW 16th Street

Ft. Lauderdale, FL 33312

License Number: EF0000285

Case Number: 2004-002721

120.57(2) Hearing

Recused: Small, Sandefer, Tibbs

An administrative complaint was filed on 12/5/2005 charging the respondent with

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

MOTION: Ms. Deberry made a motion to accept the findings of facts and conclusions of law as stated in the administrative complaint.

SECOND: Mr. Roberts.

Motion passed unanimously.

Prosecutor recommended 1 year suspension followed by 1 year of probation, fines in the amount of \$ 1,000, costs of \$613.22 and an appearance before the board at the end of the suspension and every 6 months during the probationary period.

MOTION: Mr. Langer made a motion to accept the prosecutor's recommendation.

SECOND: Mr. Bramlett.

Motion passed unanimously.

Thomas F. Davis
1345 S. Wickham Road
West Melbourne, FL 32904
License Number: EF190
Case Number: 2003-089625
Motion for Waiver of Rights
Recused: Small, Kiner, Mugford

Pulled from the agenda by the Prosecutor due to request for continuance by the respondent.

Daniel Dudeck
9124 SW 51st Road, Apt. B202
Gainesville, FL 32608
License Number: ER13433
Case Number: 2004-026725
Motion for Waiver of Rights
Recused: Sandefer, Tibbs

An administrative complaint was filed on 8/15/2005 charging the respondent with violation of s. 455.227(1)(q), F.S., failing to comply with a lawful order of the board. Respondent was neither present nor represented by counsel.

MOTION: Mr. Kiner made a motion to find proper service of the administrative complaint and accept the motion for Waiver of Rights and Final Order.

SECOND: Ms. DeBerry

Motion passed unanimously

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

SECOND: Ms. DeBerry

Motion passed unanimously.

The Prosecutor recommended revocation of the respondent's licensure and costs in the amount of \$114.74.

MOTION: Mr. Kiner made a motion to accept the prosecutor's recommendation to impose costs of \$114.74 and revoke the respondent's license.

SECOND: Mr. Bellemare
Motion passed unanimously.

Robert D. Bryan
14822 Reef Drive
Jacksonville, FL 32226
License Number: ER15414
Case Number: 2004-033767
Motion for Waiver of Rights
Recused: Small, Sandefer, Tibbs

An administrative complaint was filed on 6/15/2005 charging the respondent with violation of s. 489.533(1)(m)(2), F.S., committing financial mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Respondent was neither present nor represented by counsel.

MOTION: Ms. DeBerry made a motion to find proper service of the administrative complaint and accept the motion for Waiver of Rights and Final Order.

SECOND: Mr. Roberts.
Motion passed unanimously

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

SECOND: Mr. Kiner.
Motion passed unanimously.

The Prosecutor recommended a fine in the amount of \$3,500, 1 year suspension followed by 2 years of probation and costs in the amount of \$336.96.

MOTION: Mr. Langer made a motion to accept the prosecutor's recommendation.

SECOND: Mr. Bramlett.
Motion passed unanimously.

Stephen Evans
2770 South Apopka Blvd.
Apopka, FL 32703.
License Number: ER14277
Case Number: 2004-037473
Motion for Waiver of Rights
Recused: Small, Sandefer, Tibbs

An administrative complaint was filed on 10/18/2005 charging the respondent with

violation of s. 489.533(1)(o), F.S. and 61G6-5.008, F.A. C., failing to comply with an audit of the board.

Respondent was present and sworn in by the court reporter.

MOTION: Mr. Kiner made a motion to find proper service of the administrative complaint and accept the motion for Waiver of Rights and Final Order.

SECOND: Mr. Bellemare.

Motion passed unanimously

MOTION: Mr. Kiner 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. Kiner made a motion to impose a fine in the amount of \$ 500.00, costs of \$169.30 and require the respondent to submit an application to transfer his license.

SECOND: Motion was seconded.

Motion passed unanimously.

The respondent provided the board with an updated address of 14346 Ellerbee Rd., Winter Gardens, FL 34787 for service of the final order.

Donald Birth

c/o Barry W. Taylor, P.A.

900 East Indiantown Road, Ste. 302

Jupiter, FL 33477

License Number: EC756

Case Number: 2004-028198

Settlement Stipulation

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., performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting.

On 12/21/2005, the Department entered in to a Settlement Stipulation with the respondent imposing a penalty of Probation for 6 months, a fine in the amount of \$1000.00 and payment of costs in the amount of \$109.50.

Respondent was present and sworn in by the court reporter.

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

SECOND: Mr. Bramlett.

Motion passed unanimously

Nelson Bosque

Hi-Tech Electrical Contractors

10850 NW 21 Street

Ste. 200

Doral, FL 33172

License Number: EC2943

Case Number: 2004-028646
Settlement Stipulation
Recused: Sandefer, Tibbs

An administrative complaint was filed on 11/29/2004 charging the respondent with violation of s. violation of Rule 61G6-5.008(1)(h), F.A.C., by violation of s. 489.533(1)(o), F.S. failing in any material respect to comply with the provisions of this part and the rules adopted pursuant thereto, through a violation of rule 61G6-5.008(4), F.A.C. by failing to provide proof of continually maintaining workers' compensation insurance or the exemption, and liability and property damage insurance.

On 12/22/2005, the Department entered in to a Settlement Stipulation with the respondent imposing a penalty of a reprimand, Probation for 6 months, a fine in the amount of \$500.00 and payment of costs in the amount of \$124.92.

Respondent was not present but not represented by counsel.

MOTION: Ms. Small made a motion to accept the Settlement Stipulation.

SECOND: Ms. DeBerry

Motion passed unanimously

Bruce Pieper
c/o Leila M. Lugo, Esq.
Valdini & Palmer, P.A.
5353 North Federal Highway, Ste. 303
Ft. Lauderdale, FL 33308
License Number: EC1250
Case Number: 2003-084827
Settlement Stipulation
Recused: Sandefer, Tibbs

Pulled from the agenda by the Prosecutor due to request for continuance by the respondent.

John Richichi
c/o Sandra Allen, Attorney at Law
314 W. Jefferson St.
Tallahassee, FL 32301
License Number: EC13001448
Case Number: 2005-018519
Settlement Stipulation
Recused: Small, Sandefer, Tibbs

An administrative complaint was filed on 10/18/2005 charging the respondent with violation of s. 489.533(1)(j), F.S., performing any act which assists a person or entity in engaging in the prohibited uncertified and unregistered practice of contracting.

On 1/3/2006, the Department entered in to a Settlement Stipulation with the respondent imposing a penalty of a fine in the amount of \$1,500.00 and payment of costs in the amount of \$280.00.

Respondent was present with counsel Sandra Allen, Esq. Respondent was sworn in by the Court Reporter.

MOTION: Mr. Langer made a motion to accept the Settlement Stipulation.
Mr. Langer withdrew his motion.

MOTION: Mr. Bellemare made a motion to reject the stipulation.
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: Ms. DeBerry.
Motion passed unanimously.

MOTION: Mr. Bellemare made a motion to impose a fine in the amount of \$ 500.00, costs of \$280.00.
SECOND: Mr. Roberts.
Motion passed unanimously

Richard Titus
c/o Garvin Bowden, Esq.
1300 Thomaswood Drive
Tallahassee, FL 32308
License Number: ET528
Case Number: 2004-007371
Motion to Reconsider Settlement Stipulation
Recused: Small, Sandefer, Tibbs

Respondent's Counsel submitted a motion for continuance,

MOTION: Mr. Langer made a motion to grant the motion for continuance.
SECOND: Mr. Bramlett.
Motion passed unanimously

MOTION: Mr. Bramlett made a motion that no further continuances be granted on this matter.
SECOND: Motion was seconded.
Motion passed unanimously

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
Motion to Vacate Final Order
Recused: Sandefer & Tibbs

Motion withdrawn by the Prosecutor..

APPLICATION REVIEW – Norman Mugford, Chairman

Second Business Applications

Present during this portion of the meeting were:

Glen Abbott, Melco Electric, LLC; Lawrence Baumlin, Jorgensen Contract Services, LLC; John L Bell, American Lighting & Signs of Florida, Inc.; Dennis Bernabe, MEI Technology Services, Inc.; James P. Blair, State Alarm, Inc.; Rick Cheek, East-West Electric of Central Florida, Inc.; Corlis S. Crowley, Palm Beach Electric, Inc.; Michael P. Dagnese, Simmons Communications, Inc. dba Simmons-Technology; Mark G. Danna, Danna Electric, Inc.; Marion Casey Dean, Florida Technical Services, LLC dba Aneco; Robert E. Douglas, Lott Sign Service, Inc.; James P. Galbreath, BHE Corp; Nelson Gil, Microguard Security Systems, Inc.; Robert D. Hoover, Omega Electrical Maintenance, Inc.; Richard P. Koralewski, GIU-Will Enterprises, Inc. dba Handyman Connection; David S. LaBarre, LBL Electric, LLC dba LaBarre Electric; Gary B. Lassen, Utility Lines Construction Services, Inc.; Burt Lavin, Melco Electric, LLC; Timothy W. Melnick, J.E.A. Smart Solution, Inc.; Dennis A. Oyler, M & M Backhoe Service, Inc.; Gerald E. Pinnock, Plural Security Services, Inc.; Francisco J. Rodriguez, SI Technology Corp.; Scott R. Roether, Alarm & Security Technologies, LLC; Dale C Rossman, DCR Engineering Services, Inc.; Dale C Rossman, DCR Construction, Inc.; Gary C. Stanley, Innovative Lighting Systems, Inc.; Frank J. Antinelli, A Custom Electric, LLC; Robert Reedy, Complete Electric Service, Inc.

Mary Ellen Clark 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 – Reginald Dixon, Assistant Attorney General

Anthony Uhl

Application Denial – Alarm Contractor I Examination

This matter originally came before the board on September 22-23, 2005, the board denied the application on the grounds the application failed to demonstrate good moral character per 489.511(4)(b), F.S.. The Notice of intent to Deny was filed on 11/14/2005. Mr. Uhl timely submitted an Election of rights form. Mr. Uhl 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 unanimously.

Michael Starr

Application Denial – Certification of Registered Contractor

Mr. Starr submitted a request for a continuance.

MOTION: Ms. Small made a motion to grant the continuance to March 2006.

SECOND: Mr. Bramlett.

Motion passed unanimously.

Keith McGinnis

Application Denial – Unlimited Electrical Contractor Examination

This matter originally came before the board on November 17-18, 2005, the board denied the application on the grounds the application did not show the work experience in the trade required by section 489.511(2)(a)3.b, F.S. Mr. McGinnis timely submitted an Election of rights form.

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

MOTION: Mr. Sandefer made a motion to reverse the Denial and approve the application.

SECOND: Ms. Tibbs.

The motion passed unanimously.

Gilbert McDonald

Application Denial – Certification of Registered Contractor

Mr. McDonald submitted a request for a continuance.

MOTION: Ms. Small made a motion to grant the continuance to March 2006.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Eric Deiter

Application Denial – Unlimited Electrical Contractor Examination

This matter originally came before the board on September 22-23, 2005, the board denied the application on the grounds the application on the grounds the application did not show the work experience in the trade required by section 489.511(2)(a)3.b, F.S., by failing to evidence at least 40% of experience in 3-phase service. Mr. Deiter timely submitted an Election of rights form.

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

MOTION: Mr. Kiner made a motion to reverse the Denial and approve the application.

SECOND: Mr. Tibbs.

The motion passed unanimously.

Thomas Dant

Application Denial - Certification of Registered Contractor

Mr. Dant submitted a request for a continuance.

MOTION: A motion was made to grant the continuance to March 2006.

SECOND: The motion was seconded.

Motion passed unanimously.

Michael Lydon

Application Denial – Unlimited Electrical Contractors Examination

Mr. Lydon was not present nor represented by counsel.

MOTION: A motion was made to reverse the denial and approve the application.

SECOND: Motion was seconded.

Motion passed unanimously.

RECONSIDERATIONS – Reginald Dixon, Esq., Assistant Attorney General

Gold Coast Construction School/ Robert Tannenbaum Application Denial – Continuing Education Course

Mr. Tannenbaum 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. Roberts.

Motion passed unanimously.

Damon Perry

Application Denial – Unlimited Electrical Contractor Examination

Mr. Perry was not present nor represented by counsel.

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

SECOND: Mr. Penner.

Motion passed unanimously.

The board members discussed the fact that service truck operator is not considered a supervisory position and service calls did not constitute adequate experience in 3-phase service.

Kevin Harbin

Application Denial – Endorsement

Mr. Harbin was not present nor represented by counsel.

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

SECOND: Mr. Penner.

Motion passed unanimously.

Terry Durand

Application Denial – Certification of Registered Contractor

Mr. Durand was not present nor represented by counsel.

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

SECOND: Ms. Small.

Motion passed unanimously.

Michael McQuillen

Application Denial – Endorsement Requesting Withdrawal

Mr. McQuillen was not present.

MOTION: Mr. Tibbs made a motion to allow Mr. McQuillen to withdraw his previously denied application.

SECOND: Mr. Bellemare

Motion passed unanimously.

Raymond Bivins

Application Denial – Additional Business Requesting Withdrawal

Mr. Bivins was not present.

MOTION: Mr. Small made a motion to allow Mr. Bivins to withdraw his previously denied application.

SECOND: Mr. Tibbs.

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 January 25, 2006.

- 20 cases assigned to Legal after investigation
- 11 cases set for Probable Cause presentation
- 10 cases where an Administrative Complaint has been filed
- 0 case where Probable Cause was found
- 2 cases awaiting outside action
- 7 cases requesting a Formal Hearing
- 1 cases sent to consultant / expert
- 0 cases set for Board presentation
- 1 case referred to DOAH
- 0 cases awaiting Final Order
- 4 cases for settlement negotiations
- 4 case ready for default
- 0 cases for Stipulation or Request for Informal Hearing
- 0 cases requiring supplemental investigation
- 37 total public cases in Legal
- 71 total open cases in legal

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 January, 2006.

- 84 cases in OGC
- 1 cases awaiting further investigation / expert report
- 0 cases awaiting Probable Cause determination
- 10 cases Probable Cause Found
- 36 cases where an Administrative Complaint has been filed
- 1 cases requesting an Informal Hearing
- 7 cases requesting a Formal Hearing
- 16 cases for default / failed to respond to AC
- 12 cases hearing held; awaiting final order
- 1 cases referred to DOAH
- 0 reopened cases
- 0 cases on appeal

Mr. Langer asked for more specific information to be provided to the board on unlicensed activity cases. He also requested that DBPR provide more information to contractors on the status of their complaints when they try to report unlicensed activity.

LEGISLATIVE REPORT – Norman R. Mugford

Mr. Mugford updated the board on Senate Bill 744.

Mr. Mugford directed the board's attention to a draft of the proposed Journeyman legislative language. Mr. Mugford explained the foal of the legislation is to bring recognition to journeyman by having their license included in chapter 489 part II. Mr. Bellemare asked what the overall impact of brining them into 489 would be. The board decided to continue to discuss and refine the language and concept at future meetings and provide copies of the draft to the various industry associations for input. The proposed language presented appears below:

For Discussion 1-27-06

Draft -Proposed Journeymen Legislation

December 20, 2005

489.505 (29) “Journeyman Electrician” means an individual that works for a State Certified electrical contractor, has four years of verifiable work experience in the trade and has completed an apprenticeship program registered with the Department of Labor and Employment Security and demonstrates four years' practical experience in the electrical trade, to include 120V/240V/277V/480V single and three phase circuits and knowledge of switching devices, transformers, lighting devices, disconnect switches, etc. Electrical journeymen install, assemble, service, maintain and test electrical equipment, and wiring used in electrical systems in commercial, industrial and residential buildings and supervises apprentices, laborers, wiremen and other electrical or residential electrical journeymen.

A journeymen electrician must carry a board approved electrical journeymen identification card while performing assigned duties and display it upon request.

489.505 (30) “Residential Journeyman Electrician” means an individual that works for a State Registered or Certified electrical contractor, has two years of verifiable work experience in the trade and has attended an apprenticeship program registered with the Department of Labor and Employment Security or can demonstrate 5 continuous years of verifiable, on the job, practical experience in the residential electrical trade, to include 120V/208V/240V single phase and knowledge of switching devices, transformers, lighting devices, disconnect switches, etc. Residential journeymen install, assemble, service, maintain and test electrical equipment, and wiring used in electrical systems in residential buildings and supervise electrical apprentices, laborers, wiremen and other residential electrical journeymen.

A residential journeymen electrician must carry a board approved residential journeymen identification card while performing assigned duties and display it upon request.

RULES REPORT – Clarence K. Tibbs

Mr. Tibbs directed the board's attention to the draft of Rule 616G-8.002 – Special Assessment Fee. Mr. Dixon explained to the board the proposed rule was provided as a result of the board's approval of the imposition of a special assessment fee at the November 2005 board meeting. The draft rule language is provided below:

61G6-8.002 Special Assessment Fee.

(1) In order to eliminate the current cash deficit in the operating funds of the Board and to maintain the Board's financial integrity, each active and voluntary inactive licensee, including all licensed or registered electrical contractors, who received their initial license or registration prior to the effective date of this rule shall pay a one-time special assessment fee of twenty-five dollars (\$25.00) no later than 5:00 p.m. on July 31, 2005 August 31, 2006.

(2) Failure to comply with this rule and pay the required fee shall constitute grounds for disciplinary action pursuant to Sections 489.533(1)(o) and 455.227(1)(k) and (q), F.S.

AUTHORITY: Specific Authority 455.219(2), 489.507(3) FS.
Law Implemented 455.219(2) FS.

HISTORY

New _____

MOTION: Mr. Tibbs made a motion to develop the rule as drafted with changes.

SECOND: Mr. Sandefer

Motion passed with 1 opposed, Ms. Small.

Mr. Tibbs directed the board's attention to the draft of rule 61G6-10.002 Violations and Penalties as drafted from at the January 6, 2006 conference call. The draft language is provided below:

61G6-10.002 Violations and Penalties.

(1) In imposing disciplinary penalties upon licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty corresponding to the violations set forth below absent aggravating and mitigating circumstances and subject to the other provisions of Chapters 455 and 489, Part II, F.S.: The cited statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited following the violation description.

~~(1) Violation of Chapter 455, F.S. (Section 489.533(1)(a), F.S.). Penalty within ranges prescribed by Section 455.227, F.S., unless otherwise prescribed herein.~~

~~(a) Making misleading, deceptive, or fraudulent representations in or related to the practice of the licensee's profession (Section 455.227(1)(a), F.S.). First violation: \$ 1,000 to \$ 3,000 fine or probation, suspension, revocation and fine; repeat violation: revocation~~

and \$ 5,000 fine.

(b) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee (Section 455.227(1)(g), F.S.). First violation: \$ 1,000 to \$ 3,000 fine or probation, suspension, revocation and fine; repeat violation: \$ 5,000 fine and revocation.

(c) Failing to report to the department any person who the licensee knows is in violation of this part, the chapter regulating the alleged violator, or the rules of the department or the board (Section 455.227(1)(l), F.S.). First violation: \$ 500 fine to probation and fine; repeat violation; \$ 750 to \$ 1,500 fine and probation or suspension.

(d) Failing to perform any statutory or legal obligation placed upon the licensee (Section 455.227(1)(k), F.S.). First violation: \$ 500 to \$ 1,000 fine to probation or suspension and fine; repeat violation: \$ 1,500 to \$ 3,000 fine and probation, suspension, or revocation.

(e) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession (Section 455.227(1)(m), F.S.). First violation: \$ 500 to \$ 2,000 fine to probation, suspension, or revocation and fine; repeat violation: \$ 2,000 to \$ 5,000 fine and revocation.

(f) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform (Section 455.227(1)(o), F.S.). First violation: \$ 250 to \$ 750 fine to probation and fine; repeat violation: \$ 750 to \$ 1,500 fine and probation, suspension, or revocation.

(g) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them (Section 455.227(1)(p), F.S.). First violation: \$ 250 to \$ 1,000 fine to probation and fine; repeat violation: \$ 1,000 to \$ 2,500 fine and probation, suspension, or revocation.

(h) Failing to comply with a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department (Section 455.227(1)(q), F.S.). First violation: \$ 500 to \$ 1,500 fine to probation or suspension and fine; repeat violation: \$ 2,000 to \$ 5,000 fine and probation, suspension, or revocation.

(i) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding (Section 455.227(1)(r), F.S.). First violation: \$ 1,000 to \$ 5,000 fine to probation and fine, suspension, or revocation; repeat violation: \$ 5,000 fine and revocation.

(2) Attempting to obtain licensure by bribery or fraudulent or willful misrepresentation (Section 489.533(1)(b), F.S.). First violation: \$ 1,000 to \$ 5,000 fine and denial or

revocation of licensure.

(3) Disciplinary action taken against license by another jurisdiction (Section 489.533(1)(c), F.S.). Imposition of discipline, comparable to that imposed by other jurisdiction, or the penalty listed herein for the violation most closely resembling the act underlying the original discipline.

(4) Crime directly related to practice (Section 489.533(1)(d), F.S.). Probation to denial or revocation of licensure depending upon the seriousness of the crime.

(5) Failing to file a report or filing a false report (Section 489.533(1)(e), F.S.). First violation: \$ 250 to \$ 750 fine to probation or suspension and fine; repeat violation: \$ 750 to \$ 1,500 fine and probation, suspension or revocation.

(6) Fraud, deceit, negligence, incompetence, or misconduct (Section 489.533(1)(f), F.S.):

(a) Fraud or deceit: First violation: \$ 500 to \$ 2,500 fine and probation to suspension and fine; repeat violation: \$ 2,500 to \$ 5,000 fine and probation, suspension, or revocation.

(b) Negligence, incompetence, or misconduct: First violation: \$ 500 to \$ 1,500 fine to probation or suspension and fine; repeat violation: \$ 1,000 to \$ 5,000 fine and probation, suspension, or revocation.

(7) Violation of Chapter 633, F.S. (Section 489.533(1)(g), F.S.). First violation: \$ 500 to \$ 1,500 fine to probation and fine or denial of licensure; repeat violation: \$ 1,500 to \$ 2,500 fine and probation, suspension or revocation.

(8) Practicing on an inactive, delinquent, suspended, or revoked license (Section 489.533(1)(h), F.S.):

(a) Inactive license: First violation: \$ 100 fine for each month license is inactive up to \$ 1,000; repeat violation: \$ 200 fine for each month license is inactive up to \$ 2,000 fine and probation, suspension or revocation.

(b) Suspended license: First violation: \$ 1,000 fine and one (1) year probation or additional suspension; repeat violation: \$ 2,000 fine and revocation.

(c) Revoked license: Referral to the State Attorney and denial of application for licensure for two (2) to three (3) years.

(d) Delinquent license: Notice of Non-compliance or citation; repeat violation: \$ 500 to \$ 1,500 fine and probation, suspension or revocation.

(9) Willful violation or disregard of applicable building codes or laws (Section 489.533(1)(i), F.S.). First violation: Reprimand and \$ 500 to \$ 1,250 fine and one (1) year suspension followed by one (1) year probation depending upon seriousness of violation;

repeat violation: \$ 1,250 to \$ 5,000 fine and probation, suspension or revocation.

(10) Any act assisting unlicensed activity (Section 489.533(1)(j), F.S.). First violation: \$ 1,000 fine to one (1) year suspension followed by one (1) year probation and fine; repeat violation: \$ 2,500 to \$ 5,000 fine and probation, suspension, or revocation.

(11) Aiding unlicensed practice by combining and conspiring (Section 489.533(1)(k), F.S.). First violation: \$ 1,500 to \$ 2,500 fine to one (1) year suspension followed by one (1) year probation and fine; repeat violation: \$ 2,500 to \$ 5,000 fine and suspension or revocation.

(12) Acting in a name not on the licenses (Section 489.533(1)(l), F.S.). First violation: Notice of non-compliance or citation; repeat violation: Reprimand and \$ 500 to \$ 1,000 fine to one (1) year suspension and fine followed by probation.

(13) Financial mismanagement (Section 489.533(1)(m), F.S.). First violation: \$ 500 to \$ 1,500 fine to one (1) year suspension and fine followed by one (1) year probation; repeat violation: \$ 1,500 to \$ 5,000 fine and probation, suspension or revocation.

(14) Discipline by municipality or county (Section 489.533(1)(n), F.S.). Use penalty for violation most closely approximating act underlying local discipline.

(15) Failure to comply with Chapter 489, Part II, F.S., (Section 489.533(1)(o), F.S.):

(a) Failure to maintain public liability insurance as required (Section 489.515, F.S.). First violation: \$ 500 to \$ 750 fine; repeat violation: \$ 750 to \$ 2,500 fine to probation, suspension or revocation.

(b) Failure to maintain workers' compensation insurance, or an exemption, as required (Section 489.510, F.S.). First violation: \$ 500 to \$ 1,000 fine to probation, suspension or revocation; repeat violation: \$ 1,000 to \$ 2,500 fine and probation, suspension or revocation.

(c) Failure to obtain continuing education credits as required (Section 489.517, F.S.). First violation: \$ 250 to \$ 500 fine; repeat violation: \$ 500 to \$ 1,000 fine and 14 additional hours of continuing education.

(d) Failure to provide required proof of public liability insurance, required proof of workers' compensation insurance or an exemption, or required proof of continuing education in response to an audit request by the Board (Rules 61G6-5.008 and 61G6-9.011, F.A.C.). First violation: \$ 500 fine for each requirement to probation and fine or suspension; repeat violation: \$ 750 to \$ 1,000 fine and probation or suspension.

(e) Failure to respond to request to submit any proof of continuing education liability or workers' compensation insurance.

(f) Failure to supervise (Section 489.522(1), F.S.). First violation: \$ 250 to \$ 1,000 fine to

probation and fine; repeat violation: \$ 1,000 to \$ 5,000 fine and probation, suspension or revocation.

~~(g) Employing a burglar alarm system agent in violation of Section 489.518, F.S., or employing a fire alarm system agent in violation of Section 489.5185, F.S. First violation: \$ 500 to \$ 1,000 fine plus proof of compliance; repeat violation: \$ 1,000 to \$ 2,500 fine plus probation or suspension and proof of compliance.~~

~~(16) Abandonment (Section 489.533(1)(p), F.S.). First violation: \$ 500 to \$ 2,000 fine to one (1) year probation and fine or suspension; repeat violation: \$ 5,000 fine and revocation.~~

~~(17) Failure to affix a registration or certification number (Section 489.533(1)(q), F.S.). First violation: \$ 100 fine; repeat violation: \$ 300 to \$ 500 fine.~~

~~(18) Failure to obtain building permit or inspections (Section 489.533(1)(r), F.S.). First violation: \$ 100 to \$ 1,500 fine; repeat violation: \$ 500 to \$ 2,500 fine to probation and fine, suspension or revocation. Penalties imposed shall depend upon whether the permit or inspection was obtained late or not obtained at all.~~

~~(19) Practicing beyond the scope of a certification or registration (Section 489.533(1)(s), F.S.):~~

~~(a) Geographical scope of licensure violation. First violation: Notice of non-compliance or citation; repeat violation: \$ 1,500 to \$ 2,500 fine to probation and fine, suspension or revocation.~~

~~(b) Occupational scope of licensure violation. First violation: \$ 1,000 to \$ 2,500 fine to probation and fine; repeat violation: \$ 1,000 to \$ 2,500 fine and probation, suspension or revocation.~~

~~(20) Failure to notify the board of changes in name style or address of record (Section 455.275, F.S.; Rule 61G6-5.012, F.A.C.). First violation: \$ 250 to \$ 500 fine; repeat violation: \$ 500 to \$ 1,000 fine to probation and fine or suspension.~~

(2) The minimum penalty range is base upon a first time single count violation of each provision listed. The maximum penalty range is based upon repeated violations of the same provision of Chapter 4555, 489, Part II, or the rules promulgated thereto. All penalties at the upper range of the sanctions set forth in the guidelines, i.e., suspension, revocation, etc., include lesser penalties, i.e., fine, probation or reprimand which may be included in the final penalty at the board's discretion. Probation may be subject to conditions, including restriction from practice in certain settings, restricting the licensee to working only under designated conditions or in certain settings, requiring continuing or remedial education, or any other restriction found to be necessary for the protection of the public health, safety and welfare. In addition to any to any other discipline imposed under these guidelines, the board may/shall assess costs relating to the investigation and prosecution of the case.

(3) The following disciplinary guidelines shall be followed by the board in imposing disciplinary penalties upon licensees for violation of the below mentioned statutes and rules:

VIOLATION	1 st OFFENSE	2 nd OFFENSE	3 rd OFFENSE
(a) 489.533(1)(a), F.S., failure to comply with any provision of Chapter 455.	From reprimand and \$500 to \$1,000 fine, up to probation, suspension, revocation or denial.	From reprimand and \$1,000 to \$2,500 fine and probation, up to suspension followed by probation, or revocation or denial.	From reprimand and \$2,500 to \$5,000 fine and suspension followed by probation, or revocation or denial.
(b) 489.533(1)(b), F.S., (455.227(1)(h), F.S., attempting to procure a license by bribery, fraud or willful misrepresentation	From denial and or revocation and \$1,000 fine, up to \$5,000 fine and denial and or revocation.	From denial and or revocation and \$5,000 fine, up to \$10,000 fine and denial and or revocation.	Denial and or revocation and \$10,000 fine.
(c) 489.533(1)(c), F.S., (455.227(1)(f), F.S., having a license to practice acted against by another jurisdiction	Discipline comparable to that of the other jurisdiction or discipline consistent with the same violation in Florida.	Discipline comparable to that of the other jurisdiction or discipline consistent with the same violation in Florida.	Discipline comparable to that of the other jurisdiction or discipline consistent with the same violation in Florida.
(d) 489.533(1)(d), F.S., (455.227(1)(c), F.S., being convicted of or entering a plea to a crime related to the practice.	From reprimand and or \$250 to \$10,000 fine and probation, up to suspension, denial or revocation.	From \$1,000 to \$10,000 fine and probation, up to suspension, denial or revocation	From \$5,000 to \$10,000 fine and suspension followed by probation, denial or revocation
(e) 489.533(1)(e), F.S., (455.227(1)(l), F.S., making or filing a false report.	From reprimand and \$250 to \$1000 fine, up to probation or suspension followed by probation.	From \$1,000 to \$5,000 fine and probation, or suspension followed by probation or revocation.	From \$5,000 to \$10,000 fine and revocation.
(f) 489.533(1)(f),	From reprimand and	From \$5,000 to	Revocation and

F.S., committing fraud, negligence or misconduct.	\$1,000 to \$5,000 fine and or probation or suspension followed by probation.	\$10,000 fine and or suspension followed by probation or revocation.	\$10,000 fine.
(g) 489.533(1)(g), F.S., violating chapter 633 or rules of State Fire Marshall.	From \$1,000 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.	From \$2,500 to \$5,000 fine up to suspension followed by probation, or denial or revocation.	Revocation and \$10,000 fine.
(h) 489.533(1)(h), F.S., practicing on revoked, suspended, inactive or delinquent license.	Delinquent: From reprimand and \$250 fine, up to probation, suspension followed by probation, or denial or revocation.	Delinquent: From reprimand and \$500 to \$1,000 fine, up to probation, suspension followed by probation, or denial or revocation.	Delinquent: From reprimand and \$1,000 to \$5,000 fine, up to suspension followed by probation or denial or revocation.
	Inactive, Revoked or Suspended: From reprimand and \$1,000 to \$5,000 fine, up to probation, suspension followed by probation, or denial or revocation.	Inactive, Revoked or Suspended: From reprimand and \$5,000 to \$10,000 fine, up to suspension followed by probation or denial or revocation.	Inactive, Revoked or Suspended: \$10,000 fine and denial or revocation.
(i) 489.533(1)(i), F.S., violating the applicable building codes or laws of the state, municipality or county.	From reprimand and \$500 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.	From reprimand and \$2,500 to \$5,000 fine, up to probation, suspension followed by probation, or denial or revocation.	From reprimand \$5,000 to \$10,000 fine, up to probation, suspension followed by probation, or denial or revocation.
(j) 489.533(1)(j), F.S., (455.227(1)(j),	From reprimand and \$1,000 to \$5,000	From reprimand and \$5,000 to \$10,000	From \$10,000 fine and suspension

F.S., assisting in unlicensed practice.	fine, up to probation, suspension followed by probation, or denial or revocation.	fine, up to probation, suspension followed by probation, or denial or revocation.	followed by probation, up to denial or revocation.
(k) 489.533(1)(k), F.S., knowingly aiding unlicensed practice by combining or conspiring.	From reprimand and \$2,500 to \$5,000 fine and probation, up to probation, suspension followed by probation, or denial or revocation.	From reprimand and \$5,000 to \$10,000 fine and suspension followed by probation, or denial or revocation.	From reprimand and \$5,000 to \$10,000 fine, and denial or revocation.
(l) 489.533(1)(l), F.S., acting in a name not on the license or failure to properly qualify a firm.	From notice of noncompliance up to a citation.	From reprimand and \$1,000 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.	From reprimand and \$5,000 to \$10,000 fine, up to probation, suspension followed by probation, or denial or revocation.
(m) 489.533(1)(m), F.S., financial mismanagement or misconduct.	From reprimand and \$1,000 to \$3,000 fine, up to probation, suspension followed by probation, or denial or revocation.	From reprimand and \$3,000 to \$7,500 fine and probation, up to suspension followed by probation, or denial or revocation.	From reprimand and \$7,500 to \$10,000 fine and suspension followed by probation, or denial or revocation.
(n) 489.533(1)(n), F.S., discipline by municipality or county.	Penalty for violation most closely approximating act underlying local discipline.	Penalty for violation most closely approximating act underlying local discipline.	Penalty for violation most closely approximating act underlying local discipline.
(o) 489.533(1)(o), F.S., failing to materially comply with provision of this 489, Part II, or board rules.	From reprimand and \$500 to \$1,000 fine, up to probation, suspension, revocation or denial.	From reprimand and \$1,000 to \$2,500 fine and probation, up to suspension followed by probation, or revocation or denial.	From reprimand and \$2,500 to \$5,000 fine and suspension followed by probation, or revocation or denial.

(p) 489.533(1)(p), F.S., (455.227(1)(j), F.S., abandoning a project	From reprimand and \$1,000 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.	From reprimand and \$2,500 to \$5,000 fine and probation, up to suspension followed by probation, or denial or revocation.	From reprimand and \$5,000 to \$10,000 fine and suspension, up to revocation.
(q) 489.533(1)(q), F.S., failing to affix a registration or certification number as required by s. 489.521(7).	Citation.	Citation.	Citation.
(r) 489.533(1)(r), F.S., failure to obtain building permit or inspections.	From \$100 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.	From \$500 to \$5,000 fine, up to probation, suspension followed by probation, or denial or revocation.	From \$1,000 to \$5,000 fine, up to probation, suspension followed by probation, or denial or revocation.
(s) 489.533(1)(s), F.S., (455.227(1)(o), F.S., practicing beyond the scope.	Geographical: Citation. Occupational: From \$1,000 to \$2,500 fine, up to suspension followed by probation, or denial or revocation.	Geographical: From \$1,500 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation. Occupational: From \$2,500 to \$5,000 fine, up to suspension followed by probation, or denial or revocation.	Geographical: From \$2,500 to \$5,000 fine, suspension followed by probation up to revocation. Occupational: From \$5,000 to \$10,000 fine, up to suspension followed by probation or denial or revocation.
(t) 455.227(1)(a), F.S., making misleading, deceptive or fraudulent representations in or related to the practice.	From reprimand and \$1,000 to \$5,000 fine and or probation or suspension followed by probation.	From \$5,000 to \$10,000 fine and or suspension followed by probation or revocation.	Revocation and \$10,000 fine.

(u) 455.227(1)(b), F.S., intentionally violating a rule of the board or department.	From reprimand and \$1,000 to \$2,500 fine, up to probation, suspension, revocation or denial.	From reprimand and \$2,500 to \$5,000 fine and probation, up to suspension followed by probation, or revocation or denial.	From reprimand and \$5,000 to \$10,000 fine and suspension followed by probation, or revocation or denial.
(v) 455.227(1)(g), F.S., having been found liable in civil court for filing false report or complaint against another licensee.	From \$1,000 to \$3,000 fine, up to probation, suspension followed by probation, or denial or revocation.	From \$2,500 to \$5,000 fine and probation, up to suspension followed by probation, or denial or revocation.	From \$5,000 to \$10,000 fine and suspension followed by probation, up to denial or revocation.
(w) 455.227(1)(i), F.S., failing to report to the Department any person in violation of 455, 489, Part II, or the Board rules.	From \$500 fine, up to probation, suspension followed by probation, or denial or revocation.	From \$750 to \$1,500 fine, up to probation, suspension followed by probation, or denial or revocation.	From \$1,500 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.
(x) 455.227(1)(k), F.S., failure to perform any statutory or legal obligation.	From \$1,000 to \$2,500 fine, up to probation, suspension followed by probation, or denial or revocation.	From \$2,500 to \$5,000 fine, up to probation, suspension followed by probation, or denial or revocation.	From \$5,000 to \$10,000 fine, up to probation, suspension followed by probation, or denial or revocation.
(y) 455.227(1)(m), F.S., making deceptive, untrue or fraudulent representations or employing a trick or scheme in practice of the profession.	From reprimand and \$500 to \$2,500 fine, up to probation or suspension followed by probation.	From \$2,500 to \$5,000 fine and probation, or suspension followed by probation, or denial or revocation.	From \$5,000 to \$10,000 fine and revocation.
(z) 455.227(1)(n), F.S., exercising influence on patient or client for gain of licensee or third party.	From reprimand and \$500 to \$2,500 fine, up to probation or suspension followed by probation.	From \$2,500 to \$5,000 fine and probation, or suspension followed by probation, or denial or revocation.	From \$5,000 to \$10,000 fine and revocation.

(aa) 455.227(1)(p), F.S., improper delegation of professional responsibilities.	From \$250 to \$1,000 fine, up to probation or suspension followed by probation, or denial or revocation.	From \$1,000 to \$2,500 fine, up to probation or suspension followed by probation, or denial or revocation.	From \$2,500 to \$5,000 fine, up to probation or suspension followed by probation, or denial or revocation.
(bb) 455.227(1)(q), F.S., violation of 455, 489 Part II, Board rules, Final Order or subpoena.	From \$1,000 to \$5,000 fine and suspension until compliance, up to revocation.	From \$5,000 to \$10,000 fine and suspension until compliance, up to revocation.	\$10,000 fine and revocation.
(cc) 455.227(1)(r), F.S., improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding.	From \$1,000 to \$5,000 fine, up to probation, suspension followed by probation, or denial or revocation.	From \$5,000 to \$10,000 fine and probation, suspension followed by probation, or denial or revocation.	\$10,000 fine and suspension, up to denial or revocation.

(214) The absence of a guideline penalty from this rule for a violation of Chapter 489, Part II, F.S., or the rules promulgated thereto, shall be construed as an oversight and not as an indication that no penalty is to be assessed. Where no penalty is specified, the guideline penalty for the violation most closely approximating the offense shall apply.

AUTHORITY: Specific Authority 455.2273, 489.507(3) FS.
Law Implemented 455.2273 FS.

HISTORY

New 12-10-86, Amended 2-26-89, Formerly 21GG-10.002, Amended 12-24-97, 2-18-99, 10-4-99, 2-12-04, _____

MOTION: Mr. Tibbs made a motion to approve the draft language.

SECOND: Mr. Sandefer.

The motion passed unanimously.

Mr. Tibbs directed the board's attention to draft amended language for rule 61G6-12.003 & 12.0015. Mr. Dixon informed the board that a statutory change would be required.

Mr. Mugford withdrew the proposed language.

PROBATION COMMITTEE REPORT – Paul W. Sandefer

Mr. Sandefer directed the board's attention to the January 2006 Probation Tracking List. Mr. Sandefer stated that the reports submitted by Mark Nash, Case No.: 2002-008546;

Stephen M. Cunningham, Case No.:2003-083802; Donald McConnell; Case No.: 2002-001636 & Richard Sawyer, Case No.: 2004-030662.

MOTION: Mr. Sandefer made to approve all the reports as submitted.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Mr. Sandefer also noted that these were the final probation reports for McConnell, Sawyer and Cunningham.

UNLICENSED ACTIVITY (ULA) REPORT – Kimberly A. DeBerry

Ms. DeBerry mentioned the weekly e-mail of unlicensed activity call statistics that is now being sent out by the Secretary of DBPR.

Ms. DeBerry also requested that the contact numbers in the e-mail be provided to all Electrical Contractors for ease in reporting unlicensed activity.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

No report presented.

EXAMINATION REPORT – Clarence K. Tibbs

Mr. Tibbs directed the board's attention to the report provided by Joe Muffoletto, Lead Psychometrician, Bureau of Education and Testing. The report gave overall statistics for 2005 and 2004 as well as statistics for the November 8, 2005 examination.

ENDORSEMENT REPORT – Jeffrey M. Kiner

Staff informed the board that the California C-7 examination had been added to the matrix.

RATIFICATION OF APPLICATIONS – Norman Mugford/Pierre Bellemare

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).

MOTION: Mr. Sandefer made a motion to approve the list of applications approved by the board.

SECOND: Mr. Bellemare.

Motion passed unanimously.

See Exhibit

MOTION: Ms. DeBerry made a motion to approve the list of Continuing Education courses and providers as provided to the board.

SECOND: Mr. Bellemare.

Motion passed unanimously.

See exhibit

MOTION: Mr. Sandefer made a motion to approve the list of grandfather applications a provided to the board.

SECOND: Mr. Bellemare.

Motion passed unanimously.

See exhibit

MOTION: Mr. Tibbs made a motion to approve the Ratification list of applications processed by DBPR staff as provided to the board.

SECOND: Ms. Deberry.

Motion passed unanimously.

See exhibit

OLD BUSINESS/ NEW BUSINESS

Representatives from Underwriters' Laboratories (UL) came before the Board to make a presentation about their services and answer concerns from the Board. Highlights of the discussion included:

Howard Hopper, Engineer and Andrew Crumpell, Senior Legal Counsel, UL

Representatives:

- Explanation of UL's investigation and listing program for central stations and installation companies.
- Explanation of UL's costs for central station listings and installing company listings.
- UL audits 10%-15% of UL certificated premises per year.
- UL certificates provide the Authority Having Jurisdiction (AHJ) with information on the installation and maintenance of fire alarm systems.
- UL staff perform the audits in the company of alarm company staff.
- UL also performs field tests, UL staff go out with a fire department representative to trip an alarm at a premises location.
- UL questions whether a license is required for their audit services.

Norman Mugford, ECLB Chairman:

- One concern is that some municipalities are permitting only central station services to be permitted by the local fire departments. This has prompted some municipalities to enact rules that restrict monitoring of fire alarms to central stations that are UL listed or FM placarded central stations and installation companies.
- Significant additional costs are required in order to become UL certificated.
- Will UL be reporting problems with their members to the ECLB as the Fire Marshall is mandated to do?
- Lake Mary, Florida will not allow a State of Florida licensed alarm contractors to install fire alarm systems unless they are only UL listed. No other listing or placarding service qualifies.

Robert M. Worthy, EG0000026:

- Mr. Worthy explained to the Board his experiences trying to get a definition from UL and NFPA of central station service.
- Mr. Worthy explained he is primarily an alarm service contractor. Now Palm Beach County has enacted a policy that does not allow licensed contractors to perform service on systems unless they are UL listed.
- Mr. Worthy explained he can not become UL listed because he does not perform installations and 4 installations of different sizes are required in order to qualify for a UL listing.

Jeffrey Kiner, ECLB Board member:

- There appears to be redundancy with state requirements for inspection of the systems under UL's program which costs contractors time and resources.

Several letters were provided to the board members from licensed contractors objecting to the UL requirement by local jurisdictions

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

Mr. Dixon informed the board that there was a decision made in the appeal before the DCA on the denial of Keith Vetter's application for registration due to lack of civil rights. A copy of the decision was provided to the board. Mr. Dixon informed the board that he had requested a rehearing in the case and had not yet had a decision on his request.

Mr. Dixon also informed the board that there were new provisions in chapter 112 of the Florida statutes and board members are not able to accept anything of value from lobbyists or associations. Mr. Dixon stated he would provide the members with more detailed information on this at the next meeting.

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.

Mr. Spivey provided the board with a copy of his letter of recommendation for Mary Ellen Clark, Esq., Assistant Attorney General.

Mr. Spivey informed the board the Department believes the boards must adopt rules to address the issue of reinstatement of null and void licenses based on the changes in 455.271(6)(b). The board designated Mr. Tibbs to address this issue and bring a proposal to the board.

CHAIRPERSON'S COMMENTS – Norman Mugford

Mr. Mugford briefed the board on his experience at the Construction Industry Licensing Board's January Meeting. Mr. Mugford suggested having a joint meeting between the boards in November 2006.

The board discussed the issue of additional business applications being processed by staff and determined that staff could no longer approve additional business applications in house. All additional business applications will be required to go to the board for approval and the applicant's will need to be there to prove to the board their ability and intent to supervise per 489.521, F.S.

The board discussed a possible change in the schedule, moving CE committee to Wednesday afternoon at 3:00 p.m. or immediately after Probable Cause, with probable cause starting at 3:00 p.m. Mr. Mugford will make a decision on this issue for the March 2006 meeting.

Adjournment.