

**MINUTES FROM THE
January 18 & 19, 2007
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Casa Monica Hotel
95 Cordova Street
St. Augustine, FL 32259**

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

Members Absent

Jeffrey M. Kiner - Excused
Lewis Roberts - Excused

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 – Michelle Stickney, Volusia Reporting Company, Ph. 386-255-2150.

Disciplinary Cases – Drew Winters, Assistant General Counsel

**Anthony Fundura
Lawrence J. Kerr, Esq.
1401 Brickell Avenue
Miami, FL 33131
License #: ER 13013455
Case #: 2006-045963
Hearing pursuant to 120.57(2)
Recused: Small, Penner and Tibbs**

Mr. Fundura sent in a request for a continuance.

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

Charles Woodward
1143 Fromage Circle West
Jacksonville, FL 32225
License #: ECA001124
Case #: 2006-022598
Hearing pursuant to 120.57(2)
Recused: Small, Penner and Tibbs

An administrative complaint was filed on 10/19/2006 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 present with and sworn in by the court reporter.

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

MOTION: Mr. Mugford made a motion to impose a fine of \$1, 000.00, costs of \$151.36 and 1 year probation.

SECOND: Mr. Bellemare.

Mr. Mugford rescinded his motion.

MOTION: Mr. Mugford made a motion to impose a fine of \$1, 000.00, costs of \$151.36 and revoke the respondent's license.

SECOND: Mr. Langer.

Mr. Mugford rescinded his motion.

MOTION: Mr. Mugford made a motion to suspend the respondent's licenses for 1 year, impose a fine of \$1, 000.00, costs of \$151.36 and require the respondent to reappear before the Board prior to reinstatement of the license.

SECOND: Mr. Langer.

Motion passed 8 in favor 1 opposed.

Angel Guerra
c/o Avelino J. Gonzalez, Esq.
6780 Coral Way
Miami, FL 33155
License #: ER 13013544
Case #: 2006-045975
Settlement Stipulation
Recused: Small, Penner and Tibbs

Mr. Winters requested that this case be continued to the next meeting.

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

Terry Vargas
c/o Jefferson M. Braswell, Esq.
Law Offices of Scruggs & Carmichael, P.A.
One S.E. First Ave.
Gainesville, FL 32601
License #: ER 13012448
Case #: 2006-022487
Settlement Stipulation
Recused: Small, Penner and Tibbs

An administrative complaint was filed on 8/25/2006 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 present without counsel and sworn in by the court reporter.

MOTION: Mr. Mugford made a motion to accept the Settlement Stipulation imposing a fine of \$250.00 and costs of \$169.16 as well as probation for 1 year.

SECOND: Mr. Falany.

Motion passed unanimously.

Ivan A. Tuduri
1327 SW 72 Avenue
Miami, FL 33144
License #: ER 1301313406
Case #: 2006-045974
Motion for Waiver of Rights and Final Order
Recused: Small, Penner and Tibbs

An administrative complaint was filed on 10/27/2006 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. Bellemare made a motion to find proper service of the administrative complaint and accept the Motion for Waiver of Rights and Final Order.

SECOND: Mr. Langer.

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. Mugford.

Motion passed unanimously.

MOTION: Mr. Bellemare made a motion to impose fines totaling \$35,000, costs of \$152.75 and revoke the respondent's license.

SECOND: Mr. Roberts.
Motion passed unanimously.

Clark A. Huls
1025 S. Semoran Blvd.
Suite 1093
Winter Park, FL 32792
License #: EC2394
Case #: 2005-038578

Motion for Waiver of Rights and Final Order

Recused: Small, Sandefer & Tibbs

An administrative complaint was filed on 4/6/2006 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 neither present nor represented by counsel.

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

SECOND: Mr. Mugford.
Motion passed unanimously.

MOTION: Mr. Mugford made a motion to impose a fine of \$1,500.00, costs of \$377.48 and 1 year suspension of the respondent's license, followed by 1 year of probation.

SECOND: Mr. Langer.
Motion passed unanimously.

Peter T. Myers
6005 State Bridge Rd., #302
Deluth, GA 30097
4846 North University Dr., #313
Lauderhill, FL 33351
License #: ER 14403
Case #: 2004-007465

Motion for Waiver of Rights and Final Order

Recused: Sandefur & Tibbs

An administrative complaint was filed on 8/15/2005 charging the respondent with violation of s. 489.533(1)(a), F.S., failing to comply with an order of the Board.

Respondent was neither present nor represented by counsel.

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

SECOND: Mr. Penner.
Motion passed unanimously.

MOTION: Mr. Mugford 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. Mugford made a motion to impose costs of \$444.27 and revocation of the respondent's license citing the aggravating factor of disregard for the Department's authority.

SECOND: Mr. Langer.
Motion passed unanimously.

Michael T. Bell
6315 13th Street North
St. Petersburg, FL 33702
License #: ER 15465
Case #: 2005-047613

Motion for Waiver of Rights and Final Order

Recused: Small, Sandefer & 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 neither present nor represented by counsel.

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

SECOND: Mr. Falany.
Motion passed unanimously.

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

SECOND: Mr. Falany.
Motion passed unanimously.

MOTION: Mr. Bramlett made a motion to impose a fine of \$1,500.00, costs of \$739.45, restitution and 1 year suspension of the respondent's license.

SECOND: Mr. Penner.
Motion passed unanimously.

Remigio A. Licea
c/o Yehuda D.B. Bruck, Esq.
Law Offices of Schwartz & Assoc.
200 SE 1st Street, Ste. 801
Miami, FL 33131
License #: ER 13013547
Case #: 2006-045973
Motion for Waiver of Rights and Final Order
Recused: Small, Penner and Tibbs

The respondent requested a continuance.

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

Robert R. Basso
3722 SW 133 Place
Miami, FL 33175
License #: ER 13013525
Case #: 2006-045885
Motion for Waiver of Rights and Final Order
Recused: Small, Penner and Tibbs

An administrative complaint was filed on 10/27/2006 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. Bellemare made a motion to find proper service of the administrative complaint and 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. Bellemare made a motion to impose a fine of \$35,000, costs of \$201.74, restitution and revocation of the respondent's license. The Board found there were aggravating factors.

SECOND: Mr. Langer.

Motion passed unanimously.

APPLICATION REVIEW – Norman Mugford, Chairman
Second Business Applications

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

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David Birth, CEI, LLC; Chad Douberley, Roll-a-way, Inc.; Paul Duffey, JP Johnson Services, Inc; Robert Frank, Complete Security Solutions, LLC; Rick Frazey, Blevins Mobile Home Parts d/b/a Florida Mobile Home Supply; Israel Garcia, Altec Fire and Security Systems, LLC; William Gay, All Sports Services, Inc.; Lloyd Gerber, Allbrite Electrical Group; Carlos Gonzalez, Phone Network Systems; Paul Martin Haywood, Fisk Electric Company; Uwe Herrmann, Automation Logistics Annaberg Corp.; Brent Leckie, Custom Power, LLC; Allen Lukkar, Far East Construction Corp.; Donald Marese Sr, Brighton Electric, LLC; Michael Medlin, Medlin Electrical Services, Inc.; Mark Moody, All Pro Electrical, Inc.; Elpidio Morejon, Olen Commercial Services, Inc.; Eric Neilinger, Security Innovative Solutions, Inc.; Robert Nichols, Crosspoint Security, Inc.; Gregory Oldehoff, Century Service Systems, Inc.; Richard Michael Oldham, Pyke Signs, Inc.; Keith Owens, State Alarm, Inc.; Matthew Patterson, Crime Dog Security, Inc.; Donald Pepin, Advanced Utility Service, Inc.; Vincent Rizzo, Sheild Security Systems, Inc.; Donald Russell, Done by Don, Inc. d/b/a Northside Electrical; Bobby Serota, Atlantic Tower Services, Inc.; William Shaffer, Altaquip LLC d/b/a Altaquip; Wesley Shreve, Associated Electrical Services, Inc. d/b/a Wesworth Electric; Annie Smith, Wakeley Electric, LLC; Jack Spicochi, Electronic Built In Systems Unlimited, Inc.; Howard VanScriver, BeeSafe, LLC; Antonio Vera, Alarm Masters Corp.; Donald Marese Sr, Tri-Area Electrical Construction, Inc.; Gueri Medina, American Eagle Electrical; John Palmer, Mark Palmer Electric;

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.

**PETITIONS FOR DECLARATORY STATEMENT –
Reginald Dixon, Assistant Attorney General**

**Outdoor Lighting Perspectives
Petition for Declaratory Statement**

On December 7, 2006 Outdoor Lighting Perspectives Franchising, Inc. filed a Petition for Declaratory Statement. The petition requested the Board's opinion regarding the licensure requirements if any for Outdoor Lighting Perspectives Franchising, Inc. only not for it's franchises which may perform work within the scope of electrical contracting. No one was present on behalf of Outdoor Lighting Perspectives Franchising, Inc..

MOTION: Mr. Bellemare made a motion to issue a Declaratory Statement based on the facts outlined in this petition that no license is required.

SECOND: Mr. Tibbs.

Motion passed unanimously.

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

Joseph Boardwine

Application Denial – Additional Business

Mr. Boardwine was present and sworn in by the Court Reporter. The application was denied at the November 16, 2006 meeting, a Notice of Intent to Deny was filed on January 4, 2007.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Michael Blondin

Application Denial – Unlimited Electrical Contractor Examination

Mr. Blondin was present and sworn in by the Court Reporter. The application was denied at the September 21, 2006 meeting, no Notice of Intent to Deny was filed.

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

SECOND: The motion was seconded.

Motion passed unanimously.

Charles Triglianios

Application Denial – Additional Business

Mr. Triglianios was not present nor represented by counsel. The application was denied at the March 23, 2006 meeting, a Notice of Intent to Deny was filed April 27, 2006. Mr. Triglianios timely filed a letter requesting reconsideration. The board reconsidered the application on July 21, 2006 a second Notice of Intent to Deny was filed on December 13, 2006. Mr. Triglianios timely filed an election of rights form requesting an evidentiary hearing pursuant to 120.57(1), F.S. Mr. Triglianios requested a continuance.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

David Thomas

Application Denial – Unlimited Electrical Contractor Examination

Mr. Thomas was present and sworn in by the Court Reporter. The application was denied at the September 21, 2006 meeting, a Notice of Intent to Deny was filed on December 13, 2006.

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

SECOND: Mr. Bellemare.

Motion passed unanimously.

Vincent Childers

Application Denial – Unlimited Electrical Contractor Examination

Mr. Childers was present. The application was denied at the September 21, 2006 meeting, a Notice of Intent to Deny was filed on December 13, 2006.

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

SECOND: Mr. Mugford.

Motion passed unanimously.

Howard Baity, Jr.

Application Denial – Unlimited Electrical Contractor Examination

Mr. Baity was present along with a representative from JJam Contractors. The application was denied at the September 21, 2006 meeting, a Notice of Intent to Deny was filed on December 13, 2006.

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

Jeremy Jones

Application Denial – Unlimited Electrical Contractor Examination

Mr. Jones was present and sworn in by the Court Reporter. The application was denied at the September 21, 2006 meeting, a Notice of Intent to Deny was filed on December 13, 2006.

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

SECOND: Ms. Small.

Motion passed unanimously.

Ronald Brodie

Transfer – Unlimited Electrical Contractor Examination

Mr. Brodie was not present but was represented by counsel William E. Williams, Esq. The application was denied at the July 20, 2006 meeting, a Notice of Intent to Deny was filed on August 29, 2006.

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

SECOND: Mr. Penner.

Motion passed unanimously.

William McNeal

Application Denial – Residential Specialty Contractor Examination

Mr. McNeal was not present nor represented by counsel. Mr. McNeal sent written notice to the Board that he wished to withdraw his application.

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

SECOND: Ms. Small

Motion passed unanimously.

Phillip Zawadski

Application Denial – Transfer

Mr. Zawadski was present with Humberto Szeumaga the owner of the business. The application was denied at the November 17, 2006 meeting, a Notice of Intent to Deny was filed on January 4, 2007.

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

SECOND: Mr. Bellemare.

Motion passed unanimously.

Jeff Regnier

Application Denial - Unlimited Electrical Contractor Examination

Mr. Regnier was not present nor represented by counsel. The application was denied at the September 21, 2006 meeting, a Notice of Intent to Deny was filed on December 13, 2006.

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

SECOND: Mr. Langer.

Motion passed unanimously.

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

John A. Cawley

Application Denial - Alarm System II Contractor Examination

Mr. Cawley was not present nor represented by counsel. This matter originally came before the board on May 18, 2006, the board denied the application due to a pending complaint for unlicensed activity per section 455.213(3) F.S. Mr. Cawley timely submitted an Election of Rights form in which he did not dispute the material facts and requested a hearing per 120.57(2), F.S. The Board held a hearing per 120.57(2), F.S. on July 21, 2006 and upheld the previous denial of the application, a final order was filed on August 25, 2006. On September 8, 2006 Mr. Cawley filed an amended election of rights form as well as a petition for administrative hearing.

MOTION: Mr. Bellemare made a motion to deny the petition for administrative hearing.

SECOND: The motion was seconded.

Motion passed unanimously.

RECONSIDERATIONS – Reginald Dixon, Esq., Assistant Attorney General

Carl Mello

Application Denial – Unlimited Electrical Contractor Examination

Mr. Mello was not present nor represented by counsel.

MOTION: Mr. Tibbs made a motion to vacate the final order and approve the application.

SECOND: Mr. Mugford..

Motion passed unanimously.

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

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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 16, 2007.

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

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

Mr. Winters directed the Board's attention to the details of the report which was distributed to the members. The report included the following case information as of March, 2006.

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

Mark Reddinger, Deputy Director of the Division of Regulation for the Department of Business and Professional Regulation addressed the Board. Mr. Reddinger informed the Board that the Department was in the process of finding a new Unlicensed Activity Coordinator and that he would continue to be very involved in the program. He also provided the members with a copy of a new unlicensed activity brochure that is specific to the electrical and alarm system contracting industry. Members gave Mr. Reddinger input on the brochure. Mr. Reddinger informed the board that the Department would be producing DVD's of electrical public service announcement (P.S.A.) along with the construction and hurricane related P.S.A.'s to be distributed to various building departments for use on their lobby televisions.

LEGISLATIVE REPORT – Norman R. Mugford

No Report.

RULES REPORT – Clarence K. Tibbs

Mr. Sandefer and Mr. Dixon will draft a request for a formal opinion regarding permitting of low voltage work. The Board also requested that staff ask a representative from the Department of Community Affairs to attend the next meeting.

The Board voted to begin rule development on a rule defining Lightning Protection Systems.

Mr. Dixon informed the Board that the language for rule 61G6-5.001(1) will be published on 2/2/2007.

Mr. Tibbs and Mr. Dixon will work on a draft of 61G6-7.001 to incorporate low voltage lighting and CCTV.

The Board confirmed that the language regarding verification call was withdrawn at the November meeting.

Rule 61G6-5.002 will be noticed for development.

MOTION: Ms. Small made a motion to open the rule for development.

SECOND: Mr. Mugford.

Motion passed unanimously.

Mr. Bellemare indicated the Continuing Education Committee planned further discussion on possible changes to the rules regarding FASA/BASA courses and was not ready for a full Board discussion at this time. Some of the topics include:

- In person classes limit video content to 10%
- Initial class test requiring a passing grade of 75%
- Use of internet classes for renewal only

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

PROBATION COMMITTEE REPORT – Paul W. Sandefer

No Report

UNLICENSED ACTIVITY (ULA) REPORT –

No Report

The Board Nominated Mr. Mugford to chair this committee in the future.

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

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Mr. Tibbs directed the Board's attention to the Examination summary for 2006, which outlined the results for each examination administered in 2006 by category, showing the number of candidates and pass/fail percentages.

ENDORSEMENT REPORT – Jeffrey M. Kiner

No report.

RATIFICATION OF APPLICATIONS – Norman Mugford

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

MOTION: Mr. Tibbs 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

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

Mr. Dixon updated the Board on the 3 appeals that are ongoing.

- 2 appeals re: Alan Ray Hall - oral argument has been requested but no dates has been set.
- The Declaratory Statement re: Outdoor Lighting Perspectives has been appealed.

Mr. Dixon updated the Board on the cases pending before DOAH:

- Terry Webb – case has been continued 2 times and no new date has been set.
- David Rheume – hearing was held, proposed order has been submitted, awaiting recommended order.

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.

The Board discussed future meeting dates and locations March and May 2007.

March 22-23, 2007 – Orlando, Tampa or Lakeland areas

May 16-18, 2007 – Key West

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

July 26-27, 2007

September 20-21, 2007

November 15-16, 2007

January 17 -18, 2008

March 13-14, 2008

May 14-16, 2008

Mr. Dixon informed the Board he would not be at the March meeting but another representative from the Office of the Attorney General would take his place.

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CHAIRPERSON'S COMMENTS – Paul Sandefer

The chairman thanked the attorneys for their efforts and adjourned the meeting at 12:00p.m.

Adjournment.