

**MINUTES FROM THE
JANUARY 17-18, 2008
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Amelia Island Plantation
Amelia Island, FL**

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

**PLEDGE OF ALLEGIANCE AND INVOCATION
ROLL CALL**

Members Present

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

Members Absent

Sandra MacGowan
Jeffrey Kiner

Others Present

Anthony B. Spivey, Executive Director
Ruthanne Christie, Government Analyst I
Michael Flury, Esq., Assistant Attorney General
Drew F. Winters, Esq., Assistant General Counsel
Court Reporter – Statewide Court Reporting – Ph: 904-353-7706

Mr. Spivey presented Mr. Sandefer with a plaque commemorating his time as Chairman of the Board from July 2006-July 2007.

Disciplinary Cases – Drew Winters, Assistant General Counsel

**Terrence Price
License Number: ER15129
Case Number: 2006-15354
Settlement Stipulation
Recused: Tibbs, Penner & Thomas**

Mr. Pricet was not present nor represented by counsel. Mr. Price was charged with violation of 489.533(1)(o), F.S., failure to continually maintain workers' compensation.

MOTION: Mr. Mugford made a motion to accept the stipulation imposing fines of \$500 and costs of \$139.10.

SECOND: Mr. Bramlett.

Motion passed unanimously.

Santiago Hernandez

License Number: EC 13003264

Case Number: 2006-039242

Settlement Stipulation

Recused: Tibbs, Penner & Thomas

Mr. Hernandez was present, sworn in by the court reporter and represented by counsel Mark New, Esq. Mr. Hernandez was charged with violation of 489.533(1)(j), F.S., aiding and abetting an unlicensed contractor.

MOTION: Mr. Mugford made a motion to accept the stipulation imposing fines of \$1500 and costs of \$209.96.

SECOND: Mr. Huff.

Motion passed unanimously.

Gregory O. Langston

License Number: EC 834

Case Number: 2006-052641

Settlement Stipulation

Recused: Tibbs, Penner

Mr. Langston was present and sworn in by the court reporter. Mr. Langston was charged with violation of 489.533(1)(m), F.S., committing financial mismanagement.

MOTION: Mr. Mugford made a motion to accept the stipulation imposing inactivation of the respondent's license and requiring proof of satisfaction of the civil judgment as well as appearance before the Board prior to reactivation.

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:

Brown, David - All Cabling Security & Fire LLC; Carter, Daniel - D & W Electric Company II Inc; Carter, Marvin - Synergy Fabrications Llc DbA Synergy Electric; Copenhagen, Eric - Quality First Electric Corp; Dudash, Michael - Dashco Enterprise Inc; Dunworth, Jack - Family's Choice Electrical Repair Inc; Figueredo, David - Safety Web Inc; Harden, John - Grandpa's Electric Service Corp; Hennessy, Matthew - Crannie Signs Inc DbA Signs By Crannie; Hernandez, Luis - Alpha Electric Inc; Hoffmann, Kenneth - Southern Wiring Solutions Inc; Kushner, James - Global Control Systems LLC DbA Global Watch; Leone, Robert - Federal Services Corporation; Lyttle, Clint - Brewer Security Solutions LLC; Mertz, Thomas - Sound Security Group Llc; Robinson, James - King III - Varateck LLC DbA Kings Iifire And Security; Rogers, Joseph - Ronco Electric Service Llc; Scott, Tracy - Scott's Electrical & Lighting Llc; Smith, Benjamin - Genpower Technologies LLC; Thomas, Jose - Hi-Tech Electrical Inc; Valentin, Abraham - J I R Services Inc.

The Court Reporter swore in, as a group, the applicants and those persons providing testimony on behalf of the applicant. During the review each applicant and their respective designees were interviewed in turn and answered general questions concerning the business entity they wished to qualify and direct questions concerning their understanding of their responsibilities and obligations as primary qualifying agent.

Mr. Tibbs asked of the second business applicants collectively as a group:

- ~ *"Do you understand that you will be legally responsible for every job undertaken by this business?"*
- ~ *Do you understand that you will be financially responsible for every job undertaken by this business?"*
- ~ *Do you understand that you are required to approve the work done on every job undertaken by this business?"*
- ~ *Do you understand that your license is dependent upon how seriously you take these responsibilities?"*

Each applicant answered affirmatively to each of the preceding questions.

PETITION FOR DECLARATORY STATEMENT – Thomas D. Botlick of Nationwide Communications Services, LLC.

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

The petition requested an statement from the Board regarding application of Florida Statutes 489.503, 489.505, 489.516 and 489.533. The Petition requests the Board:

“...issue a Declaratory Statement finding that Natcomm, by agreeing to perform work for a customer that has come to it through several integrator companies to provide IT services, including installation of low voltage cabling and its related

parts, in its particular circumstances as described herein, would not subject itself to discipline pursuant to Section 489.501, *et seq.*, Part II, Florida Statutes.”

MOTION: Mr. Mugford made a motion that the Board issue a declaratory statement stating that Natcomm could contract with an integrator company without violating 489.501, F.S. only if the integrator company was specifically contracted to procure the installation of low voltage cabling as an agent of the property owner.

SECOND: Mr. Sandefer.

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

James Hashim

Application Denial – Additional Business

Mr. Hashim was present and sworn in by the court reporter. The application was denied at the September, 2007 meeting, a Notice of Intent to Deny was filed November 28, 2007. Mr. Hashim timely filed an Election of Rights Form requesting a hearing.

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

Timothy Allen Bruno

Application Denial – Registration Application

Mr. Bruno was not present nor represented by counsel. Ms. Christie informed the Board that the applicant was not properly notified of the meeting.

MOTION: Mr. Mugford made a motion to continue the hearing to the next meeting.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Robert J. Teets

Application Denial – Registration Application

Mr. Teets was present and sworn in by the court reporter. The application was denied at the November, 2007 meeting, a Notice of Intent to Deny was filed on December 19, 2007. Mr. Hernandez timely filed an Election of Rights form requesting a hearing.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Timothy Morgan

Application Denial – Additional Business Application

Mr. Morgan submitted a request to have his hearing continued to the next meeting.

Kevin Ricupero

Application Denial – Endorsement Application

Mr. Ricupero was present and sworn in by the court reporter. The application was denied at the September, 2007 meeting, a Notice of Intent to Deny was filed November 28, 2007. Mr. Ricupero timely filed an election of Rights form requesting a hearing.

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

SECOND: Mr. Mugford.

Motion passed unanimously.

Stephen Ceynowa

Application Denial – Residential Electrical Specialty Examination Application

Mr. Ceynowa was present and sworn in by the court reporter. The application was denied at the September, 2007 meeting, a Notice of Intent to Deny was filed on November 28, 2007. Mr. Ceynowa timely filed an Election of Rights Form requesting a hearing.

MOTION: Mr. Sandefer made a motion to reverse the denial and approve the application to take the Alarm II examination.

SECOND: Mr. Huff.

Motion passed unanimously.

Gary Roberts

Application Denial – Endorsement Application

Mr. Roberts was not present nor represented by counsel. Ms. Christie informed the Board that the Notice of Intent to Deny did not accurately reflect the reasons for denial. The Board agreed to have the Notice of Intent to deny amended and continue the hearing to the next meeting.

Ryan Lewis

Application Denial – Limited Energy Examination Application

The hearing was continued to the next meeting.

Dennis Smalley

Application Denial – Endorsement Application

Mr. Smalley was present and sworn in by the court reporter. The application was denied at the September, 2007 meeting, a Notice of Intent to Deny was filed on November 28, 2007. Mr. Smalley timely filed an Election of Rights Form requesting a hearing.

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

RECONSIDERATIONS – Reginald Dixon, Esq., Assistant Attorney General

Everton Ruddock

Application Denial – Additional Business Application

Mr. Caro was not present nor represented by counsel. The application was denied at the November, 2007 meeting, a Notice of Intent to Deny was filed on December 19, 2007. Mr. Ruddock timely submitted a request for reconsideration.

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

SECOND: Mr. Huff.

Motion passed unanimously.

Russell Brock

Application Denial – Initial Certified Electrical Contractor Application

Mr. Brock was not present nor represented by counsel. The application was denied at the July 2007 meeting, a Notice of Intent to Deny was filed on November 29, 2007. Mr. Brock timely submitted an election of rights form requesting reconsideration of his application.

MOTION: Mr. Mugford made a motion to reverse the denial and approve the 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 14, 2008.

- 10 cases assigned to Legal after investigation
- 14 cases set for Probable Cause presentation
- 10 cases where an Administrative Complaint has been filed

- 0 case where Probable Cause was found
- 0 cases awaiting outside action
- 1 cases requesting a Formal Hearing
- 0 cases sent to consultant / expert
- 3 cases set for Board presentation
- 1 case referred to DOAH
- 0 cases awaiting Final Order
- 1 cases for settlement negotiations
- 1 case ready for default
- 0 cases for Stipulation or Request for Informal Hearing
- 1 cases requiring supplemental investigation
- 1 case pending informal hearing
- 43 total cases in Legal
- 7 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 January 2008.

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

LEGISLATIVE REPORT – Norman R. Mugford

Mr. Spivey briefed the Board on his appearance before the Legislature regarding a plan to combine the ECLB and CILB.

Mr. Mugford updated the Board of issues regarding the Enhanced Call Verification law. Mr. Mugford stated that Jupiter Island passed an ordinance that they will dispatch services even if there is no enhanced call verification.

Mr. Mugford stated that Gulf Breeze is opening its own alarm company within its police department.

Mr. Sandefer pointed out that alarm companies were running advertisements that misrepresent Enhanced Call Verification as a scare tactic to solicit customers.

RULES REPORT – Clarence K. Tibbs

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

61G6-4.019 rule development published 1/18/2008
61G6-5.0061 rule tolled 11/19/2007
61G6-10.0015 notice published 12/21/2007
61G6-10.0065 rule tolled 11/20/2007
61G6-10.008 effective 11/25/2007

Journeyman Issue – Mr. Bramlett agreed to draft language for a rule requiring employees of certified and registered Electrical and Specialty Contractors to take continuing education. The rule would not apply to employees of Alarm contractors since they are already covered by FASA and BASA.

61G6-10.0015 – Standards of Practice

(1) The Board establishes the following as standards of practice in electrical and alarm system contracting:

(a) An electrical or alarm system contractor shall, prior to engaging or contracting with another entity and or person for the performance of electrical or alarm system contracting as defined by Section 489.505(9), F.S., verify that the entity and or person is certified or registered with the State of Florida as an electrical or alarm system contractor.

(b) An electrical or alarm system contractor shall maintain documentation of his or her verification of licensure of all entities or persons that he or she engages or contracts with for the performance of electrical or alarm system contracting as defined by Section 489.505(9), F.S. At a minimum, documentation shall include a copy of the entities' or persons' current Florida certification or registration to practice as an electrical or alarm system contractor.

(c) An electrical or alarm system contractor shall pull a building permit from the local building department, prior to performing any electrical or alarm system contracting, unless otherwise exempted pursuant to Section 489.503. F.S.

(2) It shall constitute negligence, incompetence, and/or misconduct in the practice of electrical or alarm system contracting, as set forth in Section 489.533(1)(f), F.S., for an electrical or alarm system contractor to fail to comply with the standards of practice set forth in above.

Specific Authority: 489.507(3), F.S., 489.516(2), F.S., 489.531(1)(a) & (e), F.S., 489.533(1)(f) & (j), F.S., 455.227(1)(j) & (p), F.S.

Law Implemented: 489.503, F.S., 489.533(2), F.S., 455.227(2), F.S.

History: New

PROBATION COMMITTEE REPORT

The Board reviewed and accepted the probation reports of Gary Hillman and Terry Vargas.

UNLICENSED ACTIVITY (ULA) REPORT – Norman Mugford

Mr. Mugford informed the Board that the Palm Beach County Sheriff caught an alarm company using other people's licenses. Palm Beach County did a sting checking for F.A.S.A/B.A.S.A. cards.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

Mr. Spivey directed the Board's attention to the financial reports for the Operating Account and the Unlicensed Activity Account dated September 30, 2007.

EXAMINATION REPORT – Clarence K. Tibbs

Mr. Tibbs directed the Board's attention to the November 2007 examination Summary. He noted the pass rate was lower than it had been in the recent past.

ENDORSEMENT REPORT – Jeffrey M. Kiner

No changes to the matrix.

RATIFICATION OF APPLICATIONS – Norman Mugford

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

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

SECOND: Mr. Mugford
Motion passed unanimously.

See Exhibits A, B, C & D.

OLD BUSINESS/ NEW BUSINESS

Mr. Sandefer asked the Board members to review the rules regarding solar contracting under the Construction Industry Licensing Board and raised concern that some solar contractors may be performing electrical work. Mr. Spivey and Mr. Flury agreed to contact their counterparts with the Construction Industry Licensing Board and ask for their input on the issue.

BOARD COUNSEL'S REPORT – Michael Flury, Esq., Assistant Attorney General

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No Report.

EXECUTIVE DIRECTOR'S REPORT – Anthony B. Spivey

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

March 13-14, 2008 - Orlando

May 14-16, 2008 - TBA

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

Mr. Spivey asked the Board members to review the handout regarding travel forms and procedures.

CHAIRPERSON'S COMMENTS – Pierre Bellemare

None

Adjournment.