

**MINUTES FROM THE  
May 18, 19 & 20, 2005  
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING**

**Edgewater Beach Hotel & Club  
1901 Gulf Shore Blvd. North  
Naples, FL 34102  
239-403-2000**

The Board Meeting was called to order by Chairman Jeffrey M. Kiner at 8:40 a.m.

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

**ROLL CALL- Members Present**

Pierre A. Bellemare  
Kimberly A. DeBerry  
Jeffrey M. Kiner, Chairman  
Norman R. Mugford, Vice-Chairman  
Donald C. Penner  
Lewis Roberts  
Paul W. Sandefer  
Rae Small  
Clarence K. Tibbs  
Roger E. Langer on 5/19 & 5/20/2005  
Arnaldo L. Abreu on 5/18/2005

**ROLL CALL- Member Absent**

Roger E. Langer on 5/18/2005

**OTHERS PRESENT**

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

- The board approved the March 17-18, 2005 Meeting Minutes, Boca Raton, FL.

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

**Harold Biggs**  
**1423 Highway 73 South**  
**License Number ER 9645**  
**Case No.: 2004-029033**  
**Settlement Stipulation**  
**Recused: Small, Sandefer, Tibbs**

An administrative complaint was filed on 2/11/2005 charging the respondent with 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, F.A.C. by failing to continually maintain workers' compensation insurance or the exemption, and liability and property damage insurance. Respondent is therefore in violation of s. 489.533(1)(o) and (2), F.S.

On 4/25/2005, the Department entered into a Settlement Stipulation with the respondent imposing a penalty of Voluntary Relinquishment of the respondent's license.

Respondent was neither present nor represented by counsel.

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

**SECOND:** the motion was seconded.

Motion passed unanimously.

**Clyde R. Burnham**  
**3201 Charow Lane**  
**License Number ER 9027**  
**Case No.: 2004-004527**  
**Hearing Not Involving Disputed Issues of**  
**Material Fact**  
**Recused: Small, Sandefer, Tibbs**

An administrative complaint was filed on 2/22/2005 charging the respondent with a 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, F.A.C. by failing to continually maintain workers' compensation insurance or the exemption, and liability and property damage insurance. Respondent is therefore in violation of s. 489.533(1)(o) and (2), F.S. Respondent timely returned an Election of Rights form and elected a hearing pursuant to s. 120.57(2), F.S.

Respondent was neither present nor represented by counsel.

**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 \$500.00 fine and \$44.43 administrative costs and suspend the license until the respondent provided proof of compliance.

**SECOND:** Mr. Penner

Motion passed unanimously.

**John W. Campbell**  
**606 50th Ave. Terrace West**  
**License Number EC 3026**  
**Case No.: 2004-029115**  
**Settlement Stipulation**  
**Recused: Small, Sandefer, Tibbs**

An administrative complaint was filed on 12/13/2004 charging the respondent with a 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(2), F.A.C. by failing to renew workers' compensation exemption. Respondent is therefore in violation of s. 489.533(1)(o) and (2), F.S.

On 4/21/2005, the Department entered into a Settlement Stipulation with the respondent imposing a penalty of Voluntary Relinquishment of the respondent's license and payment of costs in the amount of \$44.43.

Respondent was neither present nor represented by counsel.

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

**SECOND:** Ms. DeBerry

Motion passed unanimously

**Robert L. Collins**  
**12236 SW 49th Path**  
**License Number ER 10034**  
**Case No.: 2004-030186**  
**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)(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(2), F.A.C. by failing to renew workers' compensation exemption. Respondent is therefore in violation of s. 489.533(1)(o) and (2), F.S.

On 2/23/2005, the Department entered into a Settlement Stipulation with the respondent imposing a penalty of a fine in the amount of \$250.00 and payment of costs in the amount of \$83.76.

Respondent was neither present nor represented by counsel.

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

**SECOND:** Mr. Bellemare

Motion passed unanimously

**Carl Lezcano**  
**424 West Four Seasons**  
**License Number EF 0000683**  
**Case No.: 2002-00293**  
**Motion For Waiver of Rights and Final Order**  
**Recused: Small, Kiner, Mugford**

An administrative complaint was filed on 10/8/2002 charging the respondent with violation of s. 489.533(1)(f), F.S., by committing fraud, deceit, negligence, incompetence or misconduct in the practice of electrical contracting and/or s. 489.533(1)(o), F.S. by violating s. 489.522, F.S.

Respondent was neither present nor represented by counsel.

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

**SECOND:** Mr. Sandefer

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. Sandefer

Motion passed unanimously.

**MOTION:** Mr. Bellemare made a motion to accept the prosecutor's recommendation to impose costs of \$307.27 and increase the fine to \$3,000.00 (aggravating factor: degree of consumer harm per rule 61G6-10.003, F.A.C.) and impose suspension of the respondent's license until the respondent appears before the board for further possible discipline.

**SECOND:** Mr. Sandefer

Motion passed unanimously.

**Jeffrey T. Martin**  
**671 Brent Lane**  
**License Number EF 1035**  
**Case No.: 2002-010483**  
**Settlement Stipulation**  
**Recused: Small, Mugford**

An administrative complaint was filed on 10/30/2003 charging the respondent with a violation of s. 455.227(1)(q), F.S., violating a Final Order of the Electrical Contractors' Licensing Board for failing to submit Quarterly Reports as required in the Final Order for case 99-04349.

On 4/11/2005, the Department entered in to a Settlement Stipulation with the respondent imposing a penalty of a fine in the amount of \$100.00 and payment of costs in the amount of \$520.52.

Respondent was neither present nor represented by counsel.

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

**SECOND:** Mr. Bellemare

Motion passed unanimously

**Larry P. Presley**  
**324 E. Beach Drive, #700**  
**License Number ET 136**  
**Case No.: 2004-007372**  
**Settlement Stipulation**  
**Recused: Small, Sandefer, Tibbs**

An administrative complaint was filed on 2/11/2005 charging the respondent with a violation of s. 455.227(1)(q), F.S., violating a Final Order of the Electrical Contractors' Licensing Board for failing to pay the fines and costs as required in the Final Order for case 2000-04618.

On 2/22/2005, the Department entered in to a Settlement Stipulation with the respondent imposing a penalty of a fine in the amount of \$750.00 and payment of costs in the amount of \$155.86.

Respondent was present but not represented by counsel.

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

**SECOND:** Mr. Roberts

Motion passed unanimously

**Richard Sawyer**  
**License Number EC 0001413**  
**Case No.: 2004-030662**  
**Settlement Stipulation**  
**Recused: Small, Sandefer, Tibbs**

An administrative complaint was filed on 11/29/2004 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 3/11/2005, 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 \$250.00 and payment of costs in the amount of \$193.83.

Respondent was not present but not represented by counsel.

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

**SECOND:** Mr. Roberts

Motion passed unanimously

## **APPLICATION REVIEW – Jeffrey M. Kiner, 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 –**  
**Mary Ellen Clark, Assistant Attorney General**

**James G. Bamberg**  
**Application Denial - Certification of a Registered License**

This matter originally came before the board on January 27, 2005, the board denied the application on the grounds the application did not show having taken a substantially similar exam as required by section 489.514(2)(b), F.S.. The Notice of intent to Deny was filed on 2/15/2005. Mr. Bamberg timely submitted an Election of rights form.

Mr. Bamberg submitted a letter requesting a continuance.

**MOTION:** Mr. Sandefer made a motion to grant the continuance.

**SECOND:** Ms. Deberry

Motion passed unanimously.

**Ulerich Branch**  
**Application Denial - Unlimited Electrical Contractor Examination**

This matter originally came before the board on January 27, 2005, the board denied the application on the grounds the application did not show the work experience required by section 489.511(2)(a)3.b, F.S. Mr. Branch timely submitted an Election of rights form.

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

The board questioned Mr. Branch extensively on his experience and qualifications for licensure.

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

**SECOND:** Ms. Small

The motion passed with a vote of 7 in favor, 3 opposed.

**Christopher L. Burke**  
**Application Denial - Unlimited Electrical Contractor Examination**

This matter originally came before the board on January 27, 2005, the board denied the application on the grounds the application did not show the work experience required by section 489.511(2)(a)3.b, F.S. Mr. Burke timely submitted an Election of rights form.

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

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

**SECOND:** Ms. DeBerry

The motion passed unanimously.

**James G. Doyle**  
**Application Denial – Unlimited Electrical Contractor Examination**

This matter originally came before the board on January 27, 2005, the board denied the application on the grounds the application did not show the net worth required by section 61G6-5.004(2), F.A.C. Mr. Doyle timely submitted an Election of rights form.

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

Mr. Doyle provided supplemental documentation to his application which was distributed to all the board members. Mr. Doyle agreed he was not disputing any material facts.

**MOTION:** Ms. Small made a motion to reverse the Denial.

**SECOND:** Mr. Bellemare

The motion passed unanimously.

**Randall Flaman**  
**Application Denial – Unlimited Electrical Contractor Examination**

This matter originally came before the board on March 17, 2005, the board denied the application on the grounds the application did not show the work experience required by section 489.511(2)(a), F.S. The Notice of intent to Deny was filed on 4/7/2005. Mr. Flaman timely submitted an Election of rights form.

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

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

**SECOND:** Ms. Small

The motion passed unanimously.



**Gary Lee Gilbert**  
**Application Denial - Certification of a Registered License**

This matter originally came before the board on January 27, 2005, the board denied the application on the grounds the application did not show the work experience required by section 489.514(2)(c), F.S. Mr. Gilbert timely submitted an Election of rights form.

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

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

**SECOND:** Mr. Sandefer

The motion passed unanimously.

**Johnny Pannell**  
**Application Denial – Registration of Local License**

This matter originally came before the board on March 17, 2005, the board denied the application on the grounds the application did not show evidence of having passed an appropriate local examination for the purpose of registration per section 489.513(3). The Notice of intent to Deny was filed on 4/7/2005. Mr. Pannell timely submitted an Election of rights form.

Mr. Pannell was neither present nor represented by counsel. The Notice of Intent to Deny cited an incorrect reason for denial.

**MOTION:** Ms. Small made a motion to determine there were no issues of material fact in dispute.

**SECOND:** Mr. Tibbs

The motion passed unanimously.

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

**SECOND:** The motion was seconded.

The motion passed unanimously.

**MOTION:** Mr. Bellemare made a motion to deny the application for failure to show proof of having taken a local exam per 489.513(3), F.S.

**SECOND:** Ms. Small

The motion passed unanimously.

**John Blair Rogers**  
**Application Denial – Transfer Qualification of a Business Entity**

This matter originally came before the board on January 27, 2005, the board denied the application on the grounds the application did not show financial responsibility per section 61G6-5.004(2), F.A.C. Mr. Rogers timely submitted an Election of rights form.

Mr. Rogers was neither present nor represented by counsel.

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

**SECOND:** Mr. Mugford

The motion passed unanimously.

**Sean Sidwell**

**Application Denial – Unlimited Electrical Contractor Examination**

This matter originally came before the board on March 17, 2005, the board denied the application on the grounds the application did not show 40% of work experience in 3-phase service as required by section 489.511(2)(a). The Notice of intent to Deny was filed on 4/7/2005. Mr. Sidwell timely submitted an Election of rights form.

Mr. Sidwell was neither present nor represented by counsel.

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

**SECOND:** Mr. Tibbs

The motion passed unanimously.

**Daniel Thompson**

**Application Denial – Alarm System Contractor II Examination**

Mr. Thompson was present and sworn in by the court reporter.

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

**SECOND:** Mr. Tibbs

The motion passed unanimously.

**Michael Mauldin**

**Application Denial – Endorsement**

This matter originally came before the board on March 17, 2005, the board denied the application on the grounds the application did not show having passed a substantially similar exam required by section 489.511(6)(a) . The Notice of intent to Deny was filed on 4/7/2005. Mr. Mauldin timely submitted an Election of rights form.

Mr. Mauldin submitted a letter requesting a continuance.

**MOTION:** Mr. Sandefer made a motion to grant the continuance.

**SECOND:** Ms. DeBerry

The motion passed unanimously.

**Jose Govea**

**Application Denial - Unlimited Electrical Contractor Examination**

This matter originally came before the board on March 17, 2005, the board denied the application on the grounds the application did not show 40% work experience in 3-phase service required by section 489.511(2)(a), F.S. The Notice of intent to Deny was filed on 4/7/2005. Mr. Govea timely submitted an Election of rights form.

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

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

**SECOND:** Mr.Sandefer

The motion passed unanimously.

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

**Robert Sacht**

**Application Denial – Certification of a Registered License**

Mr. Sacht was not present.

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

**SECOND:** Mr. Mugford

Motion passed unanimously.

**MOTION:** Mr. Mugford made a motion to deny the application for failure to show 5 years as an active Registered contractor due to the period of time Mr. Sacht's competency license was inactive with Palm Beach County per 489.514(2)(c), F.S. and Rule 61G6-5.0035(3), F.A.C.

**SECOND:** Mr. Bellemare

Motion passed unanimously.

**Jose Carlos Muhafra**

**Application Denial - Unlimited Electrical Contractor Examination  
Withdrawal Request**

Mr. Muhafra was present.

**MOTION:** Mr. Bellemare made a motion to allow Mr. Muhafra to withdraw his previously denied application.

**SECOND:** Ms. DeBerry

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 May 16, 2005.

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

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

Mr. Winters directed the Board's attention to the details of the report which was distributed to the members. The report included the following case information as of May, 2005.

- ◆ 44 cases in OGC
- ◆ 0 cases awaiting further investigation / expert report
- ◆ 1 cases awaiting Probable Cause determination
- ◆ 1 case set for Probable Cause
- ◆ 29 cases where an Administrative Complaint has been filed
- ◆ 0 cases requesting an Informal Hearing
- ◆ 2 cases requesting a Formal Hearing
- ◆ 4 cases for default / failed to respond to AC
- ◆ 6 cases hearing held; awaiting final order
- ◆ 0 cases on appeal

**LEGISLATIVE REPORT – Norman R. Mugford**

Mr. Mugford informed the board Senate Bill 596 died in the regulated industries committee. It dealt with exempting the employees of residential condominium or homeowner associations from electrical and alarm system licensing laws. Mr. Mugford indicated it would likely be introduced in next year's legislative session.

Mr. Mugford also stated Bill 92 died in the legislature – relating to Electrical and Alarm system contracting which included verbiage that central monitoring stations must employ call verification methods for premises generating and alarm if the first call is not answered.

Bill 634 and Senate Bill 442 are awaiting the Governors signature.

Mr. Mugford stated it was unfortunate that many of the bills were weighed down with amendments which prevented them from passing.

Ms. Clark clarified her suggestions regarding legislative proposals. She stated she had not voiced an opinion with regard to association involvement. Ms. Clark stated her concern was that the work done in previous legislative sessions did not result in final drafts which could be forwarded on to the Department or the Associations.

Mr. Spivey stated the Department has not submitted a legislative package in the last few years and does not plan to submit one next year. Mr. Spivey suggested that the board members consider pursuing any legislative matters through their associations.

On May 20, 2005 the board met for the purpose of discussing legislative and rules related issues. A summary of that discussion at the end of this document.

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

Mr. Tibbs presented the status of the following rules to the board.

Rule 61G6-9.001 Continuing Education for Reactivation has gone into effect.

Rule 61G6-9.003(7), F.A.C., Definitions has been noticed for development, the following language has been drafted and appears on page 757 of the agenda materials.

(7) "Interactive Distance Education Course" means a continuing education course, the delivery of which is done via the internet and/or other interactive electronic media. Such offerings or courses shall be interactive, providing for the interchange of information between the student, the teacher, and shall provide for registration, evaluation, monitoring, and verification of continuing education, as well as require a multiple-choice test at the end of the session with a minimum passing score of 75%.

**MOTION:** Mr. Bellemare made a motion to accept the language as drafted.

**SECOND:** The motion was seconded.

Rule 61G6-9.004(7) Continuing Education Requirements for Renewal for Certificateholders and Registrants. The following proposed language was presented to the board on page 756 of the agenda materials.

(7) During any biennial period, a licensee may obtain credit for taking a particular approved continuing education course only once.

**MOTION:** Mr. Bellemare made a motion to accept the language as drafted.

**SECOND:** Mr. Sandefer

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

Mr. Sandefer directed the board's attention to the May 2005 Probation Tracking List that staff had prepared and read through the current status information for each probationer. Mr. Sandefer stated that the reports submitted by Stephen M. Cunningham, Case No.: 2003-083802, Peter A. Langdon, Case No.: 2003-076456, Thomas Wynn, Case No.: 2002-014058, Donald McConnell; Case No.: 2002-001636, William L. Hromadka; Case No.: 2002-015393 and Thomas Botlick, Case No.: 2004-007407 all appeared to be in order.

The board discussed the issue of a company with multiple qualifiers using only one of their qualifiers license numbers on vehicles and contracts throughout the state. Some members were concerned that it was misleading to the public if the license number on the truck was not necessarily the same one that pulls permits in that geographic region. The board did not find this to be a violation

**MOTION:** A motion was made to approve all the reports as submitted.

**SECOND:** Mr. Tibbs.

Motion passed unanimously.

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

Ms. DeBerry updated the board on the status of the Public Service Announcement (PSA), she indicated airing of the PSA was somewhat behind schedule. Ms. DeBerry read the script for the animated PSA to the members.

The members were provided a copy of the ULA Statistical Report.

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

Mr. Spivey explained to the board that the Quarterly Financial Reports were not complete in time for the meeting and stated he would email them to the members once they were available.

**EXAMINATION REPORT – Clarence K. Tibbs**

Mr. Tibbs introduced Joe Muffoletto, Lead Psychometrician for the Bureau of Education and Testing (BET). Mr. Muffoletto made a presentation to the board updating them on the first two months of Computer Based Testing (CBT). Mr. Muffoletto explained that the pass rate for the Business portion of the exam is approximately 60%. Mr. Muffoletto addressed concerns he had heard that the pass rate was as low as 20%, Mr. Muffoletto

stated that information was false. Mr. Muffoletto stated the pass rate for the Technical/Safety portion of the exam fluctuates. He told the Board the overall pass rate for the entire exam is approximately the same as it was before CBT at 50%. Mr. Muffoletto provided the board with some "Recommendations for Rule Changes" to "facilitate change and possibilities" in the future for the board to review and consider. Mr. Muffoletto suggested the board should consider the direction they wanted for the examination process in the future. Some of the items he suggested they might consider were: open or closed book, computer based or paper/pencil, number of items on the exam, frequency that exam is offered, tied to or independent of continuing education and who will administer the exam. Mr. Muffoletto informed the board he would be retiring next year and some changes would likely occur after his departure.

### **ENDORSEMENT REPORT – Jeffrey M. Kiner**

Endorsement Update for Board Information Only

Endorsement Update for Board Information Only - Updated 5/10/2005

Mr. Sandefer asked for additional clarification of Georgia's licensing categories, which categories are limited and what do the abbreviations stand for. Mr. Kiner asked staff to provide information to the members at the next meeting regarding Georgia's various licensure categories and which Florida categories they were similar to.

Ms. Clark instructed staff to ensure that all future applicants for Endorsement are asked to provide the following items if they are applying for Endorsement from a state which has not been found to have a substantially similar examination.

1. A copy of the Laws and Rules in effect for that state at the time the individual became licensed.
2. Proof of valid licensure.
3. Detailed information on the examination taken by the applicant.

The materials given to the board should also include a copy of the Florida Laws and Rules in effect during the same year the applicant was licensed. If the examination information has not already been reviewed by BET a copy of the Lead Psychometrician's initial review should be provided to the board.

### **RATIFICATION OF APPLICATIONS - Jeffrey M. Kiner/Pierre Bellemare**

The application committee reviewed 75 applications for examination, 30 for additional business entities, 0 Transfers, 8 endorsements, 2 certified reactivations, 15 certification of registered contractors (grandfathering), and 3 registered contractors.

Mr. Kiner asked the board if they had reviewed the list of all applications approved, approved contingent, tabled, and denied in all categories and the ratification list. The members indicated they had all reviewed the lists.

**MOTION:** Mr. Penner moved to approve the lists as presented to the board.

**SECOND:** Ms. DeBerry

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

### **ADDITIONAL BUSINESS ENTITIES APPROVED:**

1. Abbott, Glen

Melco Electric, LLC

- |   |  |  |
|---|--|--|
| 2. Baumlin, Lawrence<br>Jorgensen Contract<br>Services, LLC                             | 11. Douglas, Robert E.<br>Lott Sign Service, Inc.                                      | 20. Oyler, Dennis A.<br>M & M Backhoe<br>Service, Inc.         |
| 3. Bell, John L<br>American Lighting &<br>Signs of Florida, Inc.                        | 12. Galbreath, James P.<br>BHE Corp  | 21. Pinnock, Gerald E.<br>Plural Security<br>Services, Inc.    |
| 4. Bernabe, Dennis<br>MEI Technology<br>Services, Inc.                                  | 13. Gil, Nelson<br>Microguard Security<br>Systems, Inc.                                | 22. Rodriguez, Francisco<br>SI Technology Corp.                |
| 5. Blair, James P.<br>State Alarm, Inc.   | 14. Hoover, Robert D.<br>Omega Electrical<br>Maintenance, Inc.                         | 23. Roether, Scott R.<br>Alarm & Security<br>Technologies, LLC |
| 6. Cheek, Rick<br>East-West Electric of<br>Central Florida, Inc.                        | 15. Koralewski, Richard P.<br>GIU-Will Enterprises,<br>Inc. dba Handyman<br>Connection | 24. Rossman, Dale C<br>DCR Engineering<br>Services, Inc.       |
| 7. Crowley, Corlis S.<br>Palm Beach Electric,<br>Inc.                                   | 16. LaBarre, David S.<br>LBL Electric, LLC dba<br>LaBarre Electric                     | 25. Rossman, Dale C<br>DCR Construction, Inc.                  |
| 8. Dagnese, Michael P.<br>Simmons<br>Communications, Inc.<br>dba Simmons-<br>Technology | 17. Lassen, Gary B.<br>Utility Lines<br>Construction Services,<br>Inc.                 | 26. Stanley, Gary C.<br>Innovative Lighting<br>Systems, Inc.   |
| 9. Danna, Mark G.<br>Danna Electric, Inc.   | 18. Lavin, Burt<br>Melco Electric, LLC   | 27. Antinelli, Frank J.<br>A Custom Electric,<br>LLC           |
| 10. Dean, Marion Casey<br>Florida Technical<br>Services, LLC dba<br>Aneco               | 19. Melnick, Timothy W.<br>J.E.A. Smart Solution,<br>Inc.                              | 28. Reedy, Robert<br>Complete Electric<br>Service , Inc.       |
29. LaBaff, Robert J.  
Additional Business  
Approved Contingent on verification from applicant he wanted to proceed with the application - they faxed a withdrawl but it was not signed by the applicant.

**APPROVED APPLICATIONS**

- |  |  |
|--|--|
| 1. Fortkamp, James A.<br>Application Type: Endorsement     | 5. Croyle, Gary E.<br>Application Type: Grandfathering |
| 2. Barnes, Timothy V.<br>Application Type: Endorsement     | 6. Harris, Jack<br>Application Type: Grandfathering    |
| 3. Alvarez, George R.<br>Application Type: Grandfathering  | 7. Howe, Ronald<br>Application Type: Grandfathering    |
| 4. Arendes, Charles C.<br>Application Type: Grandfathering |  |



8. Katzman, Robert  
Application Type: Grandfathering

9. Watts, Carroll  
Application Type: Registered

10. Till, Mark  
Application Type: Registered

11. Thompson, Marshall  
Application Type: Certified Reactivation

12. Moreno, Joseph  
Application Type: Certified Reactivation

13. Peurrung, Joseph C.  
Application Type: Grandfathering

## **APPROVED EXAM APPLICATIONS**

### **UNLIMITED**

1. Benoit, John
2. Bixler, Dennis
3. Breitmeier, James
4. Corneliussen, Clinton
5. Deans, Gordon
6. Frazis, Nicholas
7. Fuentes, Rafael
8. Gaston, Eric
9. Green, Stephen
10. Hall, Robert
11. Hernandez, Juan
12. Kushner, James
13. Lantz, Kyle
14. Leinbach, Jeremy
15. Masters, Gerald
16. Mikec, Aaron
17. Moyer, David
18. Muse, Walter
19. Pearson, John
20. Piquette, Robert
21. Seyforth, Leslie
22. Shadis, Steven
23. Smith, Dale
24. Taffe, Michael
25. Tanner, Thomas
26. Thompson, Robert
27. Vanwinkle, Philip

### **ALARM I**

28. Brown, Mark
29. Cirillo, Robert
30. Corneau, Maurice
31. Donnelly, Michael
32. Fabars, Jorge
33. Fiscella, Joseph
34. Herron, Scott
35. Nieves, Raymond
36. Risso, Robert

37. Schneider, Justin

### **ALARM II**

38. Caldwell, Ronald
39. Jimenez, Ernesto
40. Mauro, John
41. Runion, Shannon

### **LIMITED ENERGY**

42. Carbo, Bertrand
43. Chisholm, Alvis
44. Hawley, James
45. Johnson, Brian
46. Ladouceur, Paul
47. Mason, David
48. Masters, Brian
49. Mcfarland, Kent
50. Rogers, Edwin
51. Snively, Robert
52. Snyder, William
53. Tucker, Dana
54. Valdes, Al
55. Wood, Robin

### **SIGN**

56. Denyse, Allen
57. Vaughn, Bryan

### **UTILITY**

58. Dobson, James

### **RESIDENTIAL**

58. Avila, Paul
59. Chapman, Robert
60. Marrero, William
61. Scarlato, Aldo
62. Thomas, Wayne
63. Ward, Michael

### **LIGHTING**

64. McIntyre, Fred

**DENIED APPLICATIONS**

**ENDORSEMENT**

1. Bridges, Bennie

Bridges Electric & Motor Service, Inc.

Endorsement

61G6-5.009(3)(b), 489.511(6)(b) - Endorsement from Georgia, did not take an exam to get licensed in Georgia - he was grandfathered.

2. Callis, Charles

Callis Electric Service

Endorsement

489.511(6)(b) - Endorsement from Maryland - Maryland exam has not been found to be substantially similar.

3. Mondin, John

Vogel Plumbing, Inc.

Endorsement

489.511(6)(b) - Endorsement from North Carolina. He did not take an exam in North Carolina - his license was issued based on a reciprocal agreement with South Carolina.

4. McQuillen, Michael

Southeastern Power & Equipment Company LLC

Endorsement

61G6-5.005(3), Endorsement from Georgia, lack of financial responsibility, has an account with truelogic Financial Co. in collection for a past due amount of \$18,638.

5. Ruccio, Rasquale J.

Gold Coast Electric LLC

Endorsement

61G6-5.009(3)(b), 489.511(6)(b) - Endorsement from New Jersey - Exam is not considered substantially similar.

6. Webb, Tommy Lee

T. Webb Electric

Endorsement

61G6-5.009(3)(b), 489.511(6)(b) - Endorsement from North Carolina never took an examination in North Carolina - it was issued based on reciprocity with Virginia.

**CERTIFICATION OF REGISTERED CONTRACTOR (GRANDFATHERING)**

7. Blackerby, Tharriel

Blackerby Electric, Inc.

Grandfather

489.514(2)(c), has not taken and passed an appropriate exam, the exam is not similar - it was prepared and administered by Okaloosa county.

8. Campbell, Scott

Grandfather

489.514(2)(c) - has not been licensed for 5 years as a registered contractor, His Registered license was activated 10/2/2000.

9. Cobb, Maxwell

Colonial Electric Corporation

Grandfather

Lacks civil rights - 112 F.S. - 5/4/84 date of offense, Drug Conspiracy charge and over acts - 5 year sentence and parole, Plead guilty to a drug charge - 4 year sentence and parole, date of offense 12/90.

10. Collins, Stephen

Collins Electric Company, Inc.

Grandfather

489.514(2)(b) - has not taken and passed an appropriate exam - exam is not similar it was through Harry J Boothe (independent exam provider).

11. Heissenberg, William

Expert, Inc.

Grandfather

489.514(2)(c) - has not been licensed for 5 years as a registered contractor, 61G6-5.005(2)(d)3 accounts on his credit report are in collections: Sterling & King, Inc. - \$487, Jon Barry & Associates - \$537, Health Care Recovery - \$215.

12. Smith, Hubert B.

Brent Construction Co., Inc.

Grandfather

489.514(2)(b) - has not taken and passed an appropriate exam - did not take any exam to get comp. card.

13. Webb, Michael W.

Webb Security Alert, Inc.

Grandfather

489.514(2)(b) - has not taken and passed an appropriate exam.

14. Rivera, Robin

R & D of Miami Electric Company, Inc.

Grandfather

61G6-5.005(e), 61G6-5.005(3) lack of financial responsibility, Credit report an account placed in collection from Citi for \$5,960, financial statement on our form had a net worth of \$9,200.

## **REGISTRATION**

15. Diaz, Anthony

Registration

489.533(2)(a) & 489.533(1)(b) - willful misrepresentation of background information and outstanding judgments - He responded no to question #4 on the background information has any license ever been suspended or revoked etc.... Mr. Diaz's license # ER0007377 was suspended and he let it go null and void - he paid the fine from the final

order after it was sent to collections but still has to provide proof of satisfaction of a civil judgment in DBPR case # was 2000-03503.

### **EXAMINATION**

16. Torres, Luis

Certified Alarm System Contractor I Examination

61G6-5.003(1) - lacks 40% experience in Commercial Fire Alarms.

17. Peleaz, Juan

Certified Unlimited Electrical Contractor Examination

489.511(2)(a)(3)(e) - lack of experience - experience not obtained by working for a contractor - employer was Miami Dade College.

18. Patano, Bradley

Certified Unlimited Electrical Contractor Examination

61G6-5.003(1) - does not indicate adequate experience for an electrical contractor (no details given all Mr. Kiner wrote was " file experience does not indicate adequate experience or for an electrical contractor.

19. Finno, Carmine

Certified Unlimited Electrical Contractor Examination

489.511(2)(a)(3)(a) - lacks experience in the trade, has only been replacing and maintaining circuit breakers, does not have management experience in the trade.

20. Murphy, Michael

Certified Unlimited Electrical Contractor Examination

61G6-5.003(2)(a) - not enough 3 phase experience, 61G6-5.003(2)(b) lacks experience in the trade & Lacks Civil Rights 112 F.S. - conviction for Trafficking of marijuana, conspiracy - 2 counts, date of offense 9/6/1990.

21. Bjazevic, Milko

Certified Unlimited Electrical Contractor Examination

61G6-5.003(1) - does not demonstrate 40% experience in 3 phase in the last 6 years - from 1999 to present only has 22 months of 3 phase experience.

### **CONTINUING EDUCATION COMMITTEE**

Ms. Clark directed staff to provide her with the information for contingent approvals as well as denials in the future so an order could be prepared and the applicants would have the opportunity to appeal the decision if they chose to do so.

### **APPROVED CE APPLICATIONS**

#### **CE APPLICATIONS - Classroom**

- A. Alarm Association of Florida, Inc
  - 1. Florida Alarm License Renewal (w/alarm reduction)
  - 2. False Alarm Reduction & Legal Updates
- B. Boss Construction School
  - 1. Profit with Value Engineering

- C. Central Florida Electrical JATC
  - 1. NFPA 70E Electrical Safety
- D. Contractors Exam School
  - 1. Computers in Construction
- E. Dyna Fire, Inc.
  - 1. Installing Addressable Fire Alarm Systems for Electricians
- F. Fike Corporation
  - 1. Cybercat Fire Alarm System
  - 2. Detection and Controls – Cheetah
  - 3. Detection and Controls – VESDA
  - 4. Detection and Controls – SHP PRO
- G. Gordon “Don” Brindley Education
  - 1. Smoke Detectors & Smoke Alarms
- H. Jake Leahy’s Electrical Connection
  - 1. National Electrical Code Changes
- I. Master Electricians Association of Alabama
  - 1. Significant Electrical Code Changes
- J. Mike Holt Enterprises, Inc.
  - 1. National Electrical Code Update Articles 320-830
  - 2. National Electrical Code Update Articles 90-314
  - 3. Grounding vs. Bonding
- K. National Technology Transfer, Inc.
  - 1. Troubleshooting Electrical Control Circuits - Approved Contingent - need to delete Utility Line Electrical Contractor from approved audiences - not relevant to them per 61G6-9.006(5)
  - 2. 2005 National Electrical Code
- L. North Dakota State College of Science
  - 1. 2005 NEC – Analysis of Changes - Approved Contingent - Must complete top portion of page 7 - attest statement per rule 61G6-9.006(1)(a)
- M. Tech Knowledge
  - 1. How to Win the Job
  - 2. How to Determine a Fair Price
  - 3. Delivering a Better Product
  - 4. Estimating Expertise
- N. University of Florida Program for Resource Efficient Communities
  - 1. Advanced 2004 Florida Building Code, Overview
  - 2. Advanced 2004 Building/Structural Summary

**CE APPLICATIONS – Internet**

- A. American Contractors Exam Services
  - 1. Conductor Applications, Ampacity, Overcurrent Protection and Conduit Fill
  - 2. 2005 National Electrical Code Review
- B. Janet Geismar (formerly Hi-Rise Safety Systems, Inc.)
  - 1. Fire Alarm Code Review, OSHA Safety and Customer Valve
- C. RedVector.com
  - 1. 2005 NEC: Cable Types
  - 2. 2005 NEC: Conduits & Tubing
  - 3. 2005 NEC: Fixed Electrical Space Heating, AC & Refrigerating Equipment
  - 4. 2005 NEC: Healthcare Facilities & Theaters
  - 5. 2005 NEC: Lighting & Appliances

6. 2005 NEC: Overcurrent Protection & Grounding
7. 2005 NEC: Special Conditions & Communication Systems
8. 2005 NEC: Wiring & Protection – Branch Circuits & Feeders
9. 2005 NEC: Wiring & Protection - Services
10. Construction Claims: Acceleration
11. Construction Claims: Changed Work
12. Construction Claims: Termination
13. Electrical Characteristics of Conductors
14. Mechanical Characteristics of Conductors
15. Medium Voltage Underground Cables
16. Safety: Electrical Part 1 – Fundamentals, Materials & Equipment Grounding
17. Safety: Electrical Part 2 – Hazardous Location, Clearances & Safety Practice
18. Safety: Fire Part 1 – Workplace Fire Hazards & Preventing Fires
19. Safety: Fire Part 2 – Fire Protection Equipment & Techniques

### **CE APPLICATIONS – Classroom: Renewals**

- D. Contractors Exam School
  1. Alarm System Qualifier Course (Video)
- E. National Technology Transfer, Inc.
  1. Introduction to Instrumentation & Process Control - Approved Contingent - need to delete Utility Line Electrical Contractor, Limited Energy Specialty Contractor, Lighting Maintenance Contractor, Outdoor Sign Specialty Contractor, from approved audiences - not relevant to them per 61G6-9.006(5)

### **FIRE ALARM SYSTEM AGENT APPLICATIONS- Classroom**

- A. Dyna Fire, Inc.
  1. Fire Alarm System Agent 18 Hr.
  2. Training Understanding the Capabilities of Addressable Fire Alarm Systems
- B. Electronic Protection Systems
  1. Fire Alarm Agent Training Course
- C. Walt Disney World Co.
  1. 2002 Fire Alarm Code Changes & EPCOT Fire Prevention Code 2002

### **Addendum**

### **FIRE ALARM SYSTEM AGENT APPLICATIONS- Classroom**

- A. SimplexGrinnell
  1. Florida Fire Alarm Systems Agent - CE
  2. Florida Fire Alarm Systems Agent - Training

### **RECONSIDERATIONS – CE APPLICATIONS**

- A. Contractors Institute
  1. NEC Electrical Calculations (Classroom)
  2. NEC Electrical Calculations (Internet)

## **OLD BUSINESS/ NEW BUSINESS**

Mr. Spivey told the board that the NASCLA Annual Convention, will be held on September 27-30, 2005 in Salt Lake City Utah. Mr. Spivey stated he has requested approval for 2 to attend the convention.

**MOTION:** Mr. Bellemare moved that the Department send Executive Director, Anthony Spivey and the next Chairman of the Electrical Contractors' Licensing Board to the NASCLA Convention in Utah.

**SECOND:** Mr. Tibbs

Motion passed unanimously.

Mr. Kiner brought up the movement toward a National Exam and asked that the members going to the NASCLA Conference to keep the board updated on the issue.

Mr. Bellemare mentioned that a movement is taking place for certification of Alarm Monitoring Companies at the Federal level.

Mr. Kiner asked the members attending NASCLA to pay particular attention to these issues.

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

Ms. Clark provided the board with a copy of her correspondence re: Peter Myers Case #2002-00255 for their information.

Ms. Clark informed the board that there is an appeal before the DCA on the denial of Keith Vetter's application for registration due to lack of civil rights. She is currently awaiting the brief from Mr. Vetter's attorney and will keep the board updated on the matter.

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

Mr. Spivey provided the board with copies of the ECLB Monthly Performance Standards Report and the Enforcement Report for their information.

**Discussion of Application Ratification Lists** - Mr. Spivey asked for the Boards' guidance regarding allowing Department staff to issue licenses listed on the ratification list before the board ratifies the list. Mr. Langer asked what would be done if a name on the board raised concerns with the members. Ms. Clark explained that should any name on the ratification list raise questions with a board member or members, the proper course of action would be to initiate a complaint and investigation against the applicant/licensee.

**MOTION:** Ms. Small made as motion to allow licenses on the ratification list to be issued prior to board approval.

**SECOND:** Mr. Tibbs

Motion passed unanimously.

Ms. Christie asked the board to clarify whether an individual who has an additional business license can transfer his original license to a new business without appearing before the board. The consensus of the Board was that it should be handled the same as an Additional Business Application.

Ms. Clark suggested board staff prepare a list of application types and indicate which ones are approved by Department staff and which ones are required to go to the board for approval. The board agreed that this information would be helpful and asked Ms. Christie to prepare the list for the next board meeting.

**Discussion of Rule 61G6-9.006(11), CE credit for attending Disciplinary Hearings -**

Mr. Spivey asked the board to clarify how many hours of Continuing Education Credit should be given to a licensee for attending the disciplinary portion of a meeting. Mr. Kiner added a request for clarification of how the hours earned should be credited.

**MOTION:** Mr. Bellemare moved to give a full 3 hours of credit for attending disciplinary hearings, regardless of the actual time the hearings took.

**SECOND:** Mr. Langer.

The board discussed the issue at length. The highlights of the discussion included:

Ms. Clark clarified for the board that credit is currently being given on an hour for hour basis based on the length of the disciplinary hearings and rounded up to the next full hour for the purposes of issuing credit.

Ms. Wadell with Contractors' Institute addressed the board and pointed out that the significant travel time, effort and cost involved in taking traditional CE courses is not taken into account as part of the credit given for those courses.

Mr. Sandefer offered an interpretation that would allow attendees to get 3 hours of credit by attending disciplinary hearing plus additional portions of the meeting to total 3 hours as long as they were present for the entire disciplinary portion. Ms. Clark stated the board could choose to interpret the rule as Mr. Sandefer suggested.

**MOTION:** Mr. Bellemare repeated his motion to give 3 hours of credit for attending disciplinary hearings, regardless of how long the hearings lasted.

**SECOND:** Motion was previously seconded by Mr. Langer.

The board voted and the motion failed, 4 in favor, 6 opposed.

**MOTION:** Mr. Kiner made a motion to instruct the Rules Committee to develop language to clarify that licensees could receive up to 3 hours of continuing education credit for attending the entire disciplinary portion of a meeting, plus the following general business of the board until they had been present for a total of 3 hours.

Motion died for a lack of a second.



Mr. Tibbs stated he understood the intent and would have a draft of proposed language for the next meeting.

The board also discussed how these hours should be credited. The consensus of the board was that they can be used as general or business credits.

Mr. Spivey asked the board for assistance with the issue of ECLB license holders who also hold a license with the Building Code Administrators and Inspectors Board (BCAI). Since BCAI accepts CE courses from other boards their licensees are able to take courses and get credit for those courses. Mr. Spivey asked if under Rule 61G6-9.006(3), F.A.C. – the board would accept all courses that BCAI accepts or only those that were directly approved by BCAI for credit for individuals holding licenses under both the ECLB and BCAI.

Ms. Clark advised the board that the rule allows for both directly approved and indirectly approved BCAI courses to be accepted for credit for individuals who are licensed by both boards.

The Board agreed with Mr. Spivey and Ms. Clark's interpretation that any person holding a license with ECLB and BCAI could get credit under his/her ECLB license for all courses recognized by the BCAI. The board also noted that this did not change the CE requirements for an ECLB licensee as far as Technical, Workplace Safety, Workers' Compensation, Business Practices and False Alarm Prevention credits as outlined in 489.517(4)(b) and 61G6-9.001.

Mr. Spivey directed the Boards' attention to a letter from Nick Jolly, Gleneagles Country Club. Ms. Clark asked Mr. Spivey to advise Mr. Jolly to file a petition for Declaratory Statement. Mr. Mugford stated he had filed a complaint against this group for unlicensed activity.

Mr. Spivey informed the Board that the Governor had appointed Robert Bramlett as a new board member and provided them with a copy of the Press Release.

Mr. Spivey directed the Board's attention to a handout with the upcoming meeting dates and locations. Mr. Spivey asked the board if they wished to change the location for the September meeting which was originally planned for Gainesville, FL. Mr. Ronald Toole with the Alarm Association of Florida, Inc. offered to assist staff in finding a site in Ft. Walton Beach, FL for the September meeting.

#### **CHAIRPERSON'S COMMENTS – Jeffrey M. Kiner**

Mr. Kiner asked the board members to consider a way to show their appreciation for Mr. Abreu's long service and dedication to the board.

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

#### **LEGISLATIVE & RULES DISCUSSION**

On Friday May 20, 2005 the board completed ratification of the application lists and moved on to discussion of Legislative and Rules issues for the upcoming year.

Mr. Kiner opened the discussion by directing the Boards' attention to their proposals from 2003 and 2004. Mr. Bellemare asked if any of these proposals had been adopted. Mr. Tibbs stated that most of the rule changes have been made. Mr. Mugford indicated he was not aware that any of the statutory changes were made by the legislature. Mr. Tibbs pointed out that there was a risk to opening any part of chapter 489 for change because once it begins the legislature could change anything within the statute. Mr. Kiner pointed out that this was a reason to be sure that the associations were involved in the proposals.

Ms. Clark reiterated her concern that in previous legislative discussions a final product was never produced by the board to be presented to the Department and/or Associations for their use in bill proposals. Ms. Clark suggested the board take the concepts they outlined in previous years and draft concrete language and agree on the final language so that members would have something to pass on to their associations in the future. Ms. Clark used the Rule process as an example for the board to follow.

Mr. Tibbs asked what happens to the portion of chapter 489 that dealt with grandfathering, since it has ended. Ms. Clark stated it could be repealed or left in the statute since it has a definite end date within it. The board discussed that attempting to have it removed may risk opening it up for extension, some members expressed concern that leaving it in the statute made it easy to extend.

Mr. Ronald Toole, with Alarm Association of Florida, Inc. gave a brief overview of how the Associations get their legislative proposals sponsored and before the legislature. He indicated that the Associations watch the various bills to be sure unwanted items are not added to them. Mr. Toole also stated that having completed bill language from the board would give them additional leverage in the process. Mr. Toole indicated his association already has bill sponsors and could add language to their existing bills.

Ms. Clark clarified that the individual board members could meet with Association representatives and lobbyists to get information on the legislative process and proposed legislation and bring that information to the board at the meetings.

Mr. Tibbs withdrew his legislative discussion topics, from the agenda based on the previous discussion of the board that members should bring proposed language for the board to review.

Mr. Langer also withdrew his topic but asked that it be considered in the future.

Mr. Tibbs and Mr. Langer left it up to Mr. Mugford to add their concerns to an ongoing list for working drafts to be prepared for the legislative committee and the board to review.

Mr. Kiner asked for discussion on the definitions of "work experience" and "in the trade" as related to s. 489.511, F.S. Mr. Kiner suggested that the previous interpretation of "employee" may have unfairly prevented individuals from being approved to take the exam who had the required experience but were sub contractors under 1099's rather than employed as W2 employees.

Ms. Clark informed the board that she felt this particular statute is open to some interpretation and while the board must be consistent in its decisions it is not prevented

from changing its mind on a particular issue such as this one. The board agreed that in a case where an individual is being paid by 1099's a case should be opened against the employer for aiding and abetting unlicensed activity.

Mr. Mugford asked Ms. Clark what the procedure should be for a case where the applicant had been paid by 1099's and the board approves the application because they have the required experience and the board directs staff to file a complaint against the employer.

Ms. Clark stated the case would be handled like any other and the board would not inquire about it any further until it came before them for probable cause or final action.

Mr. Langer expressed concern that due to the life safety issues the board should not be made easier for individuals without experience to take the exam.

Ms. Clark clarified that she did not think it was the intention of the discussion to allow someone without experience to take the exam. Rather it was how to define experience and should they allow someone with the experience who had not been paid exactly as required by the letter of the law to take the exam.

Mr. Langer indicated the experience of electricians in the field

Mr. Spivey asked for clarification from the board if they wanted the request for 1099's to remain on the exam application form. The board members agreed it should be removed from the form, but in the future if 1099's are provided as proof of employment the board would take those applications on a case by case basis to determine if the applicant has the experience in the trade to sit for the exam.

Mr. Langer stated that he felt there is an issue in the industry of unqualified individuals working in the field under licensed people. Mr. Langer suggested that funding and statutes for a state run apprenticeship program, and a licensed journeyman program could help promote training within the industry.

Mr. Bellemare and Mr. Mugford suggested the creation of an "electrical journeyman agent" like the burglar alarm and fire alarm system agents as a way to promote training.

Ms. Clark pointed out that before the board could create rules for this it would require a statute to give the board that authority.

Mr. Bellemare suggested taking "journeyman" out of the title to reduce opposition to the proposal.

Mr. Mugford offered to draft legislative language on this issue for the board to review.

Mr. Sandefer suggested the possibility of various levels within the "electrical system agents" program.

The board moved on to the Rules portion of the agenda.

Rule 61G6-5.0035 - Mr. Tibbs directed the board to ignore this item on the agenda as it was no longer relevant if the statute on grandfathering remains.

Develop language regarding licensees taking duplicate courses in the same renewal cycle - Mr. Tibbs stated this rule language had been developed and went into effect in April.

Discussion of Rule 61G6-9.006(11), CE credit for attending Disciplinary Hearings – Mr. Tibbs stated he would draft language to present to the board at the next meeting.

Mr. Tibbs asked the board to revisit the issue of Rule 61G6-9.006(3) – BCAI /ECLB licensees taking courses approved by the other boards accepted by BCAI.

Mr. Sandefer stated while BCAI courses could be taken a licensee still has to meet the ECLB requirements for Technical, Workplace Safety, Workers' Compensation, etc...

Mr. Tibbs asked for the boards input on the issue of whether job trailers with the name of the business on them constitute an advertisement under 489.521(7)(a). Ms. Clark explained that the Department and other boards have treated these as advertising and it is up to the ECLB to determine if it is an advertisement and requires a license number.

**Tape is inaudible due to multiple speakers.**

Staff's notes indicate the board determined if the phone number or address is on the job trailer it is an advertisement and requires a license number.

Mr. Sandefer asked staff for further details on the form changes that were being considered. He suggested the request for the General Contractor's information be removed and only get the Electrical Contractor of record's name and license number.

Mr. Sandefer suggested a CE requirement on the laws and rules. Ms. Clark advised it would require a statutory change. The legislative committee will address this issue in the future.

Mr. Bellemare suggested an increase in the number of continuing education hours required for renewal.

Ms. Clark suggested the board could ask the prosecutor to include a requirement for a laws and rules examination in future stipulations.

Mr. Sandefer stated that the information provided on the probationers was much better. Several members agreed that it improved a great deal and no changes were necessary at this time.

Mr. Spivey asked the members to submit any suggestions or articles for the newsletter to him. He stated he would work on an article addressing the issue of paying employees with w2's rather than 1099's.

Ms. Christie asked for the board's input regarding whether to include a synopsis of all recent disciplinary cases or just specific cases as in past ECLB newsletters. The members directed Ms. Christie to include all cases in the newsletter.

Adjournment.