MINUTES FROM THE March 23 & 24, 2006 ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING Cocoa Beach Hilton Cocoa Beach, FL

The Board Meeting was called to order by Chairman Norman Mugford at 8:31 a.m.

PLEDGE OF ALLEGIANCE AND INVOCATION ROLL CALL- Members Present

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

OTHERS PRESENT

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

The board approved the January 26 & 27, 2006 meeting minutes.

Disciplinary Cases – Drew Winters, Assistant General Counsel

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

Recused: Sandefer, Tibbs

An administrative complaint was filed on 8/15/2005 charging the respondent with violation of s. 489.533(1)(j), F.S. performing any act which assists a person in the uncertified or unregistered practice of contracting & 489.533(1)(l) acting in the capacity of a contractor in a name other than licensed.

Respondent was not present, counsel for the respondent was present.

MOTION: Mr. Roberts made a motion to accept the stipulation.

SECOND: Mr. Bramlett. Motion passed unanimously.

Richard Titus c/o Garvin Bowden, Esq. 1300 Thomaswood Drive Tallahassee, FL 32308 License Number: ET528 Case Number: 2004-007371

Motion to Reconsider Settlement Stipulation

Recused: Small, Sandefer, Tibbs

An administrative complaint was filed on 2/15/2005 charging the respondent with violation of s. 489.533(1)(I), F.S. acting in the capacity of a contractor in a name other than licensed & 489.533(1)(q), F.S. failing to affix a registration or certification number as required 489.521(7).

Respondent was present with counsel, respondent was not sworn in by the court reporter.

MOTION: Mr. Bellemare made a motion to reconsider the stipulation.

SECOND: Mr. Bramlett. Motion passed unanimously.

MOTION: Mr. Bramlett made a motion to accept the stipulation.

SECOND: Mr. Roberts. Motion passed unanimously.

Thomas F. Davis 1345 S. Wickham Road West Melbourne, FL 32904 License Number: EF190 Case Number: 2003-089625

Motion for Waiver of Rights and Final Order

Recused: Small, Kiner, Mugford

An administrative complaint was filed on 12/5/2005 charging the respondent with violation of s. 489.533(1)(j), F.S. performing any act which assists a person in the uncertified or unregistered practice of contracting.

Respondent was present without counsel and sworn in by the court reporter.

MOTION: Mr. Tibbs made a motion to accept the waiver of rights.

SECOND: Mr. Bellemare. Motion passed unanimously.

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

SECOND: Mr. Bramlett. Motion passed unanimously.

MOTION: Mr. Bellemare made a motion to impose a fine of \$1,000.00, costs of \$265.25

and 1 year probation. **SECOND:** Mr. Penner.

Motion passed unanimously.

Francisco Guerra 13010 SW 105 Avenue Miami, FL 33176

License Number: EC1033 Case Number: 2004-037608

Motion for Waiver of Rights and Final Order

Recused: Small, Sandefer, Tibbs

An administrative complaint was filed on 12/13/2004 charging the respondent with violation of 61G6-5.5008(2), 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 by failing to provide proof of continually maintaining workers' compensation insurance or the exemption.

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

SECOND: Mr. Penner Motion passed unanimously

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

SECOND: Ms. DeBerry Motion passed unanimously.

MOTION: Mr. Bellemare made a motion to impose a fine of \$1,750.00, costs of \$307.17 and suspension until appearance before the board followed by 1 year of probation.

SECOND: Mr. Roberts. Motion passed unanimously.

Carl Lezcano
AAA Protection and Construction, Inc.
6418 South Elm Lane
Lanatana, FL 33462
License Number: EF683

License Number: EF683 Case Number: 2005-040959

Motion for Waiver of Rights and Final Order

Recused: Sandefer, Tibbs

An administrative complaint was filed on 12/5/2005 charging the respondent with violation of s. 455.227(1)(q), F.S., failing to comply with a lawful order of the board. Respondent was neither present nor represented by counsel.

MOTION: Mr. Penner 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: Ms. Bramlett. Motion passed unanimously.

MOTION: Mr. Bramlett made a motion to impose costs of \$307.17 and revoke the

respondent's license. **SECOND:** Mr. Roberts.

Motion passed unanimously.

David Warren

Case Number: 2004-033767

Approval of Recommended Order

Examination Challenge

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

MOTION: Mr. Tibbs made a motion to deny Mr. Warren's exceptions.

SECOND: Mr. Penner. Motion passed unanimously

MOTION: Mr. Tibbs made a motion to adopt the findings of fact and conclusions

of law as stated in the Recommended Order.

SECOND: Mr. Penner.

Motion passed unanimously.

MOTION: Mr. Tibbs made a motion to accept the Recommended Order.

SECOND: Mr. Bramlett. Motion passed unanimously.

APPLICATION REVIEW – Norman Mugford, Chairman

Second Business Applications

The following applicants were present during this portion of the meeting: ROBERT ALLY, Construct Corps., LLC; JOHN R. ANNIS, IGK Design Group; ONLEY E. (II) ARNOLD, Zebedee Production, Inc.; CHARLES W. (JR.) BERLINGHOFF, The Titan Electric Group, Inc.; WILLIAM F BISHOP, Norman's Classic Electric, Inc.; ANTHONY J. (JR.) BORRELL, Wilbey Industrial Service Corporation; GEORGE L. CANCIO, Jehovah Jireh Electric, Inc.; JAMES CARR, Universal Security Monitoring, LLC; RICHARD L. CHRISTENSEN, Modern Air Conditioning Inc. d/b/a Modern Service for Home and Business; CHRISTOPHER D. CUYLER, Wetek Solutions, Inc; GERALD L. DRISCOLL, Triad Security Group Inc.; MICHAEL L. EARNEST, Precision Systems, LLC; RANDI K. ELRAD, Crime Prevention Security Systems, LLC; THOMAS A GEDDINGS, Atlantic Companies Inc d/b/a Atlantic Security; ARNOLD GREENE, AMEG Services, Inc; ALFRED G. HERNANDEZ, Astor Electric LLC; RAUL D. HERNANDEZ, Altaquip LLC d/b/a Altaquip; SANTIAGO HERNANDEZ, Dubray Electric, Inc.; GARY D HODGES, All Air Inc.; BRAN M. HORAN, Var Electric, Inc.; JOSEPH JACKSON, New Energy Service, Inc.; GLENN KAISER, YJNK III, Inc d/b/a TCD Electrical Helpers;

JOHN S. LIPKA, JTDB Enterprises of Hollywood LLC d/b/a EH Whitson Electrical; ROBERT W. MCGUIRK, Grove City Electric, Inc.; BRIAN MCKENDRICK, ; THOMAS T. MERTZ, 180 Connect Inc.; ELIDIO MOREJON, Gflorida Fire Safety, Inc.; MICHAEL P. PANKO, Giu Will Enterprises, Inc d/b/a Handyman Connection; TODD D. PATTERSON, Lighthouse Fire & Security Corporation: DANNIEL PETRO, Bright Future Electric, LLC; HENRY H. PICKETT, Marco Commercial Electrical Contractors, Inc.; DOMINICK (JR.) PORRETTO, Roll-A-Way, Inc; DAVID F. RHEAUME, Mill Electrical Contractors, Inc., Dolphin Electric of SW Florida, Inc. & Primary Electric of SW Florida, Inc.; HERNANDEZ I. SANTIAGO,; JERALD H. SMITH, Dove Home Enterprises LLC; JOHN V. STEFFANATO, Alarm Capital Alliance II, LLC.: JOHN L. TAYLOR, Dolphin Electrical Contractors, Inc.; THOMAS G. TUCKER, All Brevard Electrical Service, Inc.; JOHN F. WANERKA, Wanerka Electric of Florida; JERRY L. WEBB, Ajilon Communications LLC; DAVID G. NELSON, State Alarm, Inc.; HOWARD L. DAY, Day Family, Inc: RONNIE A. HILLIARD, Southern State Electrif of Southwest Florida, Inc.: RONALD C. MOONEY, CT Earle Corporation; DAVID LEMOIS, A & G Electrical Technologies, Inc.; DONALD E. BALDAUF, Manatee Lock & Key, Inc.; RAYMOND BUTLER, AVI Inc. d/b/a AVI-The Home Theatre Store Company;

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

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

Each applicant answered affirmatively to each of the preceding questions.

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

Michael Braid

Application Denial – Limited Energy Specialty Examination

This matter originally came before the board on September 26-27, 2006, the board denied the application on the grounds the application failed to demonstrate financial responsibility per 489.511(2)(a)3 and rule 61G6-5.005(3), F.S.. The Notice of intent to Deny was filed on 2/28/2006. Mr. Braid timely submitted an Election of rights form. Mr. Braid was present and sworn in by the court reporter.

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

SECOND: Ms. Small.

Motion passed unanimously.

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

SECOND: Mr. Langer.

Motion passed unanimously.

Michael Starr

Application Denial – Certification of Registered Contractor

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

This matter originally came before the board on November 17-18, 2005, the board denied the application as incomplete per section 489.514(1), F.S. and rule 61G6-5.0035(1), F.A.C. Mr. Starr timely submitted an Election of rights form.

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

SECOND: Ms. Small.

Motion passed unanimously.

David Hayes

Application Denial – Certification of Registered Contractor

This matter originally came before the board on November 17-18, 2005, the board denied the application for failure to demonstrate financial responsibility per 489.514(2)(e), F.S. Mr. Hayes timely submitted a request for hearing.

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

MOTION: Mr. Sandefer made a motion to reconsider the application.

SECOND: Mr. Tibbs.

The motion passed unanimously.

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

SECOND: Mr. Tibbs.

The motion passed unanimously.

Maxwell Cobb

Application Denial – Certification of Registered Contractor

This matter originally came before the board on May 18-20, 2005, the board denied the application for failure to demonstrate restoration of civil rights per section 112.011(1)(b), F.S. Mr. Cobb timely submitted an election of rights form. Mr. Cobb was present and sworn in by the court reporter.

MOTION: Mr. Tibbs made a motion to reconsider the application.

SECOND: Mr. Sandefer. Motion passed unanimously.

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

SECOND: Mr. Tibbs.

The motion passed unanimously.

Gilbert McDonald

Application Denial – Certification of Registered Contractor

This matter originally came before the board on September 22-23, 2005, the board denied the application for failure to demonstrate financial responsibility per 489.514(2(e), F.S. Mr. McDonald timely submitted an Election of rights form.

Mr. McDonald was present and sworn in by Drew Winters, Esq.

MOTION: Ms. DeBerry made a motion to reconsider the application.

SECOND: Mr. Bellemare.

The motion passed unanimously.

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

SECOND: Mr. Roberts.

The motion passed unanimously.

Thomas Dant

Application Denial - Certification of Registered Contractor

This matter originally came before the board on November 17-18, 2005, the board denied the application as incomplete per section 489.514(1), F.S. and rule 61G6-5.0035(1), F.A.C. Mr. Dant timely submitted an Election of Rights form. This application was continued in January per Mr. Dant's written request.

Mr. Dant was not present nor represented by counsel.

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

SECOND: Ms. DeBerry. Motion passed unanimously.

RECONSIDERATIONS – Reginald Dixon, Esq., Assistant Attorney General

Keith Vetter – Application Denial - Registration

Mr. Vetter was present with counsel and sworn in by the court reporter.

MOTION: Mr. Tibbs made a motion to reconsider the application and vacate the Notice

of Intent to Deny.

SECOND: Mr. Sandefer. Motion passed unanimously.

MOTION: Mr. Penner made a motion to approve the application contingent upon Mr.

Vetter updating the application.

SECOND: Mr. Sandefer.

Motion failed by a vote of 5 in favor, 6 opposed.

MOTION: Mr. Tibbs made a motion to reconsider the application and vacate the Notice

of Intent to Deny.

SECOND: Mr. Sandefer. Motion passed unanimously.

MOTION: Mr. Mugford made a motion to approve the application contingent upon

probation concurrent with charlotte County probation.

SECOND: Mr. Sandefer.

Motion passed with 2 opposed.

Michael J. Allman

Application Denial – Initial Certification

Mr. Allman was not present nor represented by counsel.

MOTION: Mr. Tibbs made a reconsider the application, reverse the denial and approve

the application.

SECOND: Mr. Sandefer. Motion passed unanimously.

Herbert Dolan

Application Denial – Certification of Registered Contractor

Mr. Dolan was present and sworn in by the court reporter, his attorney was not present.

MOTION: Mr. Sandefer made a motion to reconsider the application.

SECOND: Mr. Bellemare Motion passed unanimously.

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

application.

SECOND: Mr. Sandefer. Motion passed unanimously.

Brandon L. Gibbs

Application Denial – Registered Contractor

Mr. Gibbs was not present nor represented by counsel. **MOTION:** Mr. Mugford made a motion to uphold the denial.

SECOND: Ms. Bellemare. Motion passed unanimously.

Doug Hedden

Application Denial – Certification of Registered Contractor

Mr. Hedden was present and sworn in by court reporter.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

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

SECOND: The motion was seconded.

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 March 20, 2006.

- 18 cases assigned to Legal after investigation
- 17 cases set for Probable Cause presentation
- 9 cases where an Administrative Complaint has been filed
- 0 case where Probable Cause was found
- 2 cases awaiting outside action
- 9 cases requesting a Formal Hearing
- 0 cases sent to consultant / expert
- 6 cases set for Board presentation
- 1 case referred to DOAH
- 0 cases awaiting Final Order
- 4 cases for settlement negotiations
- 7 case ready for default
- 1 cases for Stipulation or Request for Informal Hearing
- 0 cases requiring supplemental investigation
- 1 case pending informal hearing
- 75 total cases in Legal
- 30 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.

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

LEGISLATIVE REPORT - Norman R. Mugford

The board was provided with draft language for 489.515(6)(a) & (b) regarding good moral character and civil rights restoration. Mr. Mugford informed the board there was similar language already before the legislature so no action was necessary at this time.

RULES REPORT - Clarence K. Tibbs

Mr. Tibbs directed the board's attention to the draft of Rule 61G6-5.001(17) – "Verification Calls". Mr. Mugford provided the board with an explanation of the need for the rule. The draft rule language is provided below:

61G6-5.001 Definitions

(17) "Verification Call" means contacting the affected premises or party prior to alarm dispatch using call verification methods as defined in American National Standards Institute/Central Station Alarm Association CS-V current edition.

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

SECOND: Mr. Bellemare. Motion passed unanimously.

Mr. Dixon introduced draft language for rule 61G6-10.0065, Reinstatement of Null & Void Licenses. Mr. Dixon asked the board to postpone further discussion of this rule to further discuss the language with staff.

Rule 61G6-5.006(2), Ms. Small suggested a change to the language in this rule to require applications to be received and complete 30 days prior to a meeting in order to be reviewed at the meeting.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Rule 61G6-9.004, Mr. Bellemare suggested a change to the language in this rule to require the following Continuing Education credits for licensees who have held the license for more than 12 months. Of the 7 required hours a licensee must take - 1 hour worker's compensation, 1 hour business practices, 1 hour workplace safety, 2 hours technical and 1 hour false alarm.

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

SECOND: Mr. Sandefer. Motion passed unanimously.

PROBATION COMMITTEE REPORT – Paul W. Sandefer

Mr. Sandefer directed the board's attention to the March 2006 Probation Tracking List Mr. Sandefer stated that the reports submitted by Gary Lawrence, Case No.: 2003-065771 and Willie Hamilton, Case No.: 2004-007385.

MOTION: Ms. Small made to approve the report of Gary Lawrence as submitted.

SECOND: Mr. Bellemare Motion passed unanimously.

MOTION: Mr. Sandefer made to approve the report of Willie Hamilton contingent upon payment of the remaining \$1.65.

SECOND: The motion was seconded.

Motion passed unanimously.

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

UNLICENSED ACTIVITY (ULA) REPORT – Kimberly A. DeBerry No Report

FINANCIAL BUDGET LIAISON REPORT - Clarence K. Tibbs

Mr. Spivey directed the Board's attention to the financial reports dated December 31, 2005 for the Operating Account and the Unlicensed Activity Account.

EXAMINATION REPORT – Clarence K. Tibbs

Mr. Tibbs informed the board that the March 2006 exam was the largest group of candidates ever. Staff notified the board that the Mr. Muffoletto had provided information that 1 challenge had been received on the CBT examination, the 1 item was credited and rescored, but it did not change the grade to a passing score. Mr. Tibbs informed the board that a complete report would be provided at the next meeting.

ENDORSEMENT REPORT – Jeffrey M. Kiner

No report given.

RATIFICATION OF APPLICATIONS – Norman Mugford/ Pierre Bellemare

Ms. Christie stated for the record that the ratification lists included the Continuing Education Committee results (Exhibit C), Examination Application Review results (Exhibit B), Additional Business Application Review results & Application Review results

(Exhibit A). Ms. Christie informed the board of the following changes to the lists, Gary Hodges additional business application was withdrawn, Alejandro Machado limited energy examination application was approved and Jerry Martin additional business application denied per 489.511(6)(a). The lists will be attached to the minutes and are hereby incorporated by reference. (Lists are attached as exhibit A, B & C).

MOTION: A motion was made to accept the list as presented with the changes.

SECOND: Motion was seconded.

Motion passed unanimously.

See Exhibit's A, B and C.

OLD BUSINESS/ NEW BUSINESS

Mr. Mugford introduced a discussion of whether Underwriters' Laboratories (UL) and similar services should be exempt from licensure under 489 part II. The following individuals addressed the Board on the issue:

- Kerry Hebring, Underwriters' Laboratories
- J.B. Clark, International Brotherhood of Electrical Workers (IBEW) and Construction Licensing Officials of Florida (CLOAF)
- Bart Wright, Florida Fire Marshall's Association(FFMA)

Mr. Mugford, ECLB Chairman:

Presented an overview of correspondence received by the board on this issue from the following:

- Norman Mugford, Chairman ECLB Request for comments
- Janice Ficarrotto, Executive V.P., FAEC
- Arnaldo Abreu, V.P., Tri-City Electric Co., Inc.
- Steve Wolk, Pres., Florida State Fire & Security
- Jim McGregor, SET, V.P., Safety Signal Systems, Inc.
- Joe Maura, Elite Security Alarm Systems
- Stephen Vizzi, President Fire and Safety Solutions, Inc.

Mr. Sandefer pointed out that section 489.505(2), F.S., states "inspect" as part of the definition of contracting.

Mr. Bellemere stated that he did not feel UL should be exempt.

BOARD COUNSEL'S REPORT – Reginald Dixon, Esq., Assistant Attorney General No report.

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.

Mr. Spivey informed the Board members that a new board member reference book was being produced and would be provided to the members along with training.

Mr. Spivey informed the Board that the DBPR website had been improved.

The Board discussed meeting dates for May and July 2006 and agreed to hold a 3 day meeting in May 16-19, 2006. Wednesday the 17th will be for discussion of legislation, particular the proposed Journeyman language. CE committee will also meet late on Wednesday afternoon, PCP will be held at 4:00 p.m. on Tuesday May 16, 2006.

Staff will send an email to the various associations inviting them to sign up to address the board on the journeyman issue.

Mr. Spivey notified the Board he was requesting approval for 2 representatives of the Board to attend the NASCLA conference in August. The Board members requested that the representatives be the Chairman and Mr. Spivey.

Mr. Spivey asked for the Board's input on a plan to prevent licensees from renewing their licenses without completion of all required continuing education requirements.

CHAIRPERSON'S COMMENTS – Norman Mugford

The chairman thanked staff, Mr. Spivey, Mr. Dixon and Mr. Winters for their work and assistance.

Adjournment.