

**MINUTES FROM THE
MAY 17 & 18, 2007
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Courtyard by Marriott
3435 N. Atlantic Ave.
Cocoa Beach, FL 32931**

The Board Meeting was called to order by Acting Chairman Clarence Tibbs at 8:30 a.m.

**PLEDGE OF ALLEGIANCE AND INVOCATION
ROLL CALL**

Members Present

Norman R. Mugford
Rae Small
Clarence K. Tibbs
Jeffrey Kiner
Lewis Roberts

Members Absent

Robert Bramlett- Excused
Roger E. Langer- Excused
Donald C. Penner- Excused

Others Present

Anthony B. Spivey, Executive Director
Ruthanne Christie, Government Analyst I
Reginald Dixon, Esq., Assistant Attorney General
Drew F. Winters, Esq., Assistant General Counsel
Court Reporter – Ryan Reporting, P.O. Box 560204, Rockledge, FL 32955,
Phone: 321-636-4450

The Board voted to approve the minutes from the March 2007 Meeting.

Disciplinary Cases – Drew Winters, Assistant General Counsel

Mr. Winters withdrew all disciplinary cases from the agenda due to lack of a quorum.

APPLICATION REVIEW – Norman Mugford, Chairman

Second Business Applications

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

Roy Baker, Thomas Bohm, Stephen Byrd, William Diaz, Charles M. Eurillo, Brian Feero, Charles Fitch, Raul Gonzalez Jr, Lawrence Holbrook, Robert F. Jarvis Jr, John R. Johnson, James R. Krzykowski, Louie Lassetter, Trent Lowry, Sean MaHoney, Arthur R McDonald, Raul Mesa, Thomas Nemeth, Enrique Nieves, David Olmstead, Roberto Putrino, John G. Reger, Joseph E. Robinson, Earl S. Sanders, Robert N. Sherman, Terence C. Stanton, Thomas A. Stasko, George A. Stewart, Chris E. Sullivan, George R. Teano, Robert Wilkin.

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.

**REQUEST FOR DECLARATORY STATEMENT – InGrid, Inc.
Reginald Dixon, Assistant Attorney General**

The Board reviewed the Petition for Declaratory Statement from Ingrid, Inc. The petitioner was represented by Mark J. Neuberger, Esq and Louis Stilp.

Mr. Dixon advised the Board that they should not answer questions 1, 2, 3 and 5 because they were not directly about the petitioner.

The Board directed Mr. Dixon to respond to question number 4 of the petition: "Would the activities of InGrid, Inc. described above constitute "Contracting" as defined in Florida Statutes 489.505(9)?" The Board stated that 489.505(2) defines contracting as any of the activities listed in the definition.

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

Michael Williams

Application Denial – Unlimited Electrical Contractors' Examination

Mr. Williams was present and sworn in by the court reporter. The application was denied at the November, 2006 meeting, a Notice of Intent to Deny was filed February 16, 2007. Mr. Williams timely filed an Election of Rights Form requesting reconsideration.

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

SECOND: Mr. Small.

Motion passed unanimously.

Mr. Williams requested to be scheduled for the November 2007 exam.

James Travis

Application Denial – Unlimited Electrical Contractors' Examination

Mr. Travis was not present nor represented by counsel. Ms. Christie notified the Board that the Notice of Hearing was not mailed timely.

MOTION: Ms. Small made a motion to continue the hearing to the July meeting due to the late mailing of the notice.

SECOND: Mr. Mugford.

Motion passed unanimously.

James William Kepner

Application Denial – Alarm System I Contractor Examination

Mr. Kepner was present and sworn in by the Court Reporter. The application was denied at the January 18, 2007 meeting, a Notice of Intent to Deny was filed on February 16, 2007. Mr. Kepner timely filed an Election of Rights form and a hearing was held on his application at the March 23, 2007 meeting. The Board issued an Amended Notice of Intent to Deny at that meeting.

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

SECOND: Ms. Kiner.

Motion passed unanimously.

Thomas Zirkle

Application Denial – Unlimited Electrical Contractors' Examination

Mr. Zirkle requested a continuance to the July 2007 Board Meeting.

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

SECOND: Mr. Mugford.

Motion passed unanimously.

Robert Frank

Application Denial – Additional Business

Mr. Frank was present and sworn in by the court reporter. The application was denied at the January 18, 2007 meeting, a Notice of Intent to Deny was filed on February 16, 2007.

MOTION: Ms. Small made a motion to reverse the denial and approve the application.

SECOND: Mr. Mugford

Mr. Mugford withdrew his second of the motion.

SECOND: Mr. Kiner seconded the original motion.

Motion passed with 1 opposed (Mr. Mugford).

Terry Meier

Application Denial – Additional Business

Mr. Meier was present and sworn in by the court reporter. The application was denied at the March 23, 2007 meeting, a Notice of Intent to Deny was filed on April 30, 2007. Mr. Meier timely filed an Election of Rights form.

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

SECOND: Ms. Small.

Motion passed unanimously.

Gregory Paul Bobin

Application Denial – Additional Business

Mr. Bobin was present and sworn in by the court reporter. The application was denied at the March 23, 2007 meeting, a Notice of Intent to Deny was filed. Mr. Bobin timely submitted an Election of Rights form.

MOTION: Ms. Small made a motion to reverse the denial and approve the application.

SECOND: Mr. Kiner.

Motion passed unanimously.

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

None.

RECONSIDERATIONS – Reginald Dixon, Esq., Assistant Attorney General

None

**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 2007.

- 15 cases assigned to Legal after investigation
- 13 cases set for Probable Cause presentation
- 4 cases where an Administrative Complaint has been filed
- 0 case where Probable Cause was found
- 0 cases awaiting outside action
- 3 cases requesting a Formal Hearing
- 0 cases sent to consultant / expert
- 12 cases set for Board presentation
- 1 case referred to DOAH
- 8 cases awaiting Final Order
- 10 cases for settlement negotiations
- 4 case ready for default
- 5 cases for Stipulation or Request for Informal Hearing
- 0 cases requiring supplemental investigation
- 3 case pending informal hearing
- 70 total cases in Legal
- 9 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 May 2007.

- 79 cases in OGC
- 4 cases awaiting further investigation / expert report
- 0 cases awaiting Probable Cause determination
- 0 cases Probable Cause Found
- 18 cases where an Administrative Complaint has been filed
- 21 cases requesting an Informal Hearing
- 6 cases requesting a Formal Hearing
- 3 cases for default / failed to respond to AC
- 6 cases hearing held; awaiting final order
- 4 cases referred to DOAH

LEGISLATIVE REPORT – Norman R. Mugford

Mr. Mugford informed the Board that the Legislative Session ended and there would be a special session in June. Mr. Mugford stated that a bill regarding licensing journeyman had been presented by Senator King but it did not move forward this session.

RULES REPORT – Clarence K. Tibbs

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

Rule 61G6-5.001(11) effective 3/26/2007
Rule 61G6-5.001(17) was noticed for development 5/4/2007
61G6-5.002 effective 6/3/2007
61G6-5.0061 was noticed for development 5/4/2007
61G6-7.001 was noticed for development 5/4/2007

Mr. Winters informed the Board that there was a need for rule language to require a license holder to verify that someone is licensed if they sub-contract electrical work to them. The Board directed Mr. Winters and Mr. Dixon to develop language on the issue for the Board to review.

Rule 61G6-7.001 (3)

61G6-7.001(3) - Residential Electrical Contractor. The scope of certification includes installation, repair, alteration, addition to, replacement of or design of electrical wiring, fixtures, appliances, apparatus, raceways, conduit, or any part thereof, in a 1, 2, 3, or 4 family residence not exceeding 2 stories in height, and accessory use structures in connection with the residence. The electrical service installed or worked upon is limited to single phase, 400 ampere single service.

MOTION: Mr. Mugford made a motion to go forward with the development of the proposed language for this rule.

SECOND: Ms. Small.

Motion passed unanimously.

Discussion of the duration of validity for passing examination scores.

MOTION: Mr. Mugford made a motion to notice the development of language for this rule.

SECOND: Mr. Roberts.

Motion passed unanimously.

Reinstatement of Null and Void Licenses

MOTION: Mr. Mugford made a motion to notice the development of language for this rule.

SECOND: Ms. Small.

Motion passed unanimously.

PROBATION COMMITTEE REPORT

The Board reviewed and accepted the probation reports of Gary Hillman, Neville Robinson, Bruce Peiper & Terry Vargas.

Robert Douglas made an appearance before the Board, the Board accepted his appearance and ended his probation.

UNLICENSED ACTIVITY (ULA) REPORT – Norman Mugford

Michael Green, the Department of Business and Professional Regulations, Unlicensed Activity Coordinator introduced himself to the Board and updated the members on the recent activities of his office to combat unlicensed activity. Mr. Green offered the Board members his assistance with any unlicensed activity matters they may become aware of.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

No Report

EXAMINATION REPORT – Clarence K. Tibbs

No Report

ENDORSEMENT REPORT – Jeffrey M. Kiner

No report.

RATIFICATION OF APPLICATIONS – Norman Mugford

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

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

SECOND: Ms. Small.

Motion passed unanimously.

See Exhibits A, B and C.

OLD BUSINESS/ NEW BUSINESS

Derek Villar - Reinstatement of Null and Void License

MOTION: Mr. Kiner made a motion to reinstate the license.

SECOND: Mr. Roberts.

Motion passed unanimously.

Local County Licensing Conflicts

The Board discussed the ongoing problem of counties not requiring local license holders to register their licenses before they perform contracting services.

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

David Rheaume – Recommended Order

Mr. Dixon presented the order to the Board. Mr. Winters acted as Board Counsel for this matter.

MOTION: Mr. Mugford made a motion to adopt the Recommended Order in toto and issue an order denying the applications.

SECOND: Mr. Kiner.

Motion passed unanimously.

Alan Ray Hall – Mandate

The Board was provided a copy for informational purposes, no action was taken.

Jerry L. Webb – Closing Order

The Board was provided a copy for informational purposes, no action was taken.

EXECUTIVE DIRECTOR'S REPORT – Anthony B. Spivey

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

July 26-27, 2007 – Embassy Suites Deerfield Beach Resort

September 20-21, 2007 – Panhandle, Destin, Ft. Walton

November 14 -16, 2007 (3 day meeting) - Tallahassee

January 17 -18, 2008 – Amelia Island Plantation

March 13-14, 2008

May 14-16, 2008

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

Mr. Spivey informed the Board that the annual NASCLA Conference would be on September 25-28, 2007 in Little Rock Arkansas. The Board members requested that Mr. Spivey and the sitting Board Chair attend the conference of behalf of the Board.

Mr. Spivey asked the Board to appoint an Acting Chair and a Vice Chair in light of the recent change in Board composition.

Mr. Spivey thanked Mr. Roberts for his participation in the meeting.

ELECTION OF OFFICERS

Ms. Small nominated Clarence Tibbs as Acting Chair and Jeffrey Kiner as Acting Vice Chair.

Electrical Contractors' Licensing Board
Meeting Minutes
May 2007

Mr. Mugford moved to close the nominations.

CHAIRPERSON'S COMMENTS – Clarence Tibbs

The chairman thanked everyone for their efforts and adjourned the meeting at 11:30 a.m.

Adjournment.