

**MINUTES FROM THE
SEPTEMBER 21,22 & 23, 2005
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING**

**Four Seasons Resort Palm Beach
2800 South Ocean Blvd.
Palm Beach, FL 33480**

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

PLEDGE OF ALLEGIANCE AND INVOCATION – Pierre Bellemare

ROLL CALL- Members Present

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

ROLL CALL- Member Absent

Kimberly A. DeBerry

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

Disciplinary Cases – Drew Winters, Assistant General Counsel

**John E. Brink
c/o Stephen Sapienza, Esq.
P.O. Box 635
Bunell, FL 32110
License # ER 10791
Case Number: 2004-033506
Settlement Stipulation
Recused: Small, Sandefer, Tibbs**

An administrative complaint was filed on 1/20/2005 charging the respondent with violation of s. 455.227(1)(h), F.S., obtaining a license through an error of the Department.

On 7/7/2005, the Department entered into a Settlement Stipulation with the respondent imposing a penalty of relinquishment of license ER10791 and issuance of a license in the correct Registered Specialty category by the Department.

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

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

SECOND: Mr. Penner.

Motion passed unanimously.

**Scott Dolhoun
Scott's Electric
2984 Monica Terrace
Kissimmee, FL 34744
License #: ER 10097
Case Number: 2004-034494
Motion for Waiver of Rights
Recused: Small, Sandefer, Tibbs**

An administrative complaint was filed on 4/11/2005 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(2), F.A.C. by failing to submit proof of workers' compensation insurance or the exemption, and liability and property damage insurance. Respondent is therefore in violation of s. 489.533(1)(o), F.S.

Respondent was present and sworn in by the court reporter.

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

SECOND: Mr. Kiner

Motion passed unanimously

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

SECOND: Mr. Kiner

Motion passed unanimously.

MOTION: Mr. Langer made a motion to impose costs in the amount of \$44.43 and a fine of \$1000.00 and allow the respondent 90 days to pay.

SECOND: Mr. Kiner.

Motion passed unanimously.

William E. Jaeger
Electrical Technologies Corp.
7950 NW 74th Street
Miami, FL 33166
License #: EC 90
Case Number: 2002-012025
Motion for Waiver of Rights
Recused: Small, Sandefer, Tibbs

An administrative complaint was filed on 6/29/2005 charging the respondent with violation of s. 455.227(1)(h), F.S., by renewing a license to practice a profession by fraudulent misrepresentation and is therefore subject to disciplinary action by the Board pursuant to 489.533(1)(a) and (2), F.S.

The Respondent was not present nor represented by counsel.

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

SECOND: Mr. Penner

Motion passed unanimously

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

SECOND: Mr. Penner.

Motion passed unanimously.

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

SECOND: Mr. Bellemare.

Motion passed unanimously.

Dennis Kennedy & Ironclad Security Systems
463363 East State Road 200
Yulee, FL 32097
License #: EC 1174
Case Number: 2004-025872 & 2004-023929
Motion for Waiver of Rights
Recused: Small, Sandefer, Tibbs & Mugford

An administrative complaint was filed on 6/15/2005 charging the respondent with violation of s. 489.533(1)(l), F.S. acting in the capacity of a contractor under any certificate or registration issued hereunder except in the name of the certificate holder or registrant as set forth on the issued certificate or registration.

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

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

SECOND: Mr. Bramlett.

Motion passed unanimously

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

MOTION: Mr. Bellemare made a motion to impose costs in the amount of \$639.50 and a fine of \$500.00.

SECOND: Mr. Kiner.

Motion passed unanimously.

Zeke Magee
2415 Welcome Lane
Jacksonville, FL 32216
License #: ER 10295
Case Number: 2004-007349
Motion for Waiver of Rights
Recused: Small, Sandefer, Tibbs

An administrative complaint was filed on 6/15/2005 charging the respondent with violation of s. 455.227(1)(q), F.S. failure to comply with a lawful order of the department

or the board. Respondent is therefore subject to discipline pursuant to s. 489.533(1)(a) and (2), 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 and to accept the findings of fact and conclusions of law as stated in the Administrative Complaint.

MOTION: Mr. Langer made a motion to Revoke the license.

SECOND: Mr. Penner.

Motion passed with 1 opposed.

John I. Sawyer
6013 Countryman Lane
New Port Richey, FL 34652
License #: ER 583
Case Number: 2003-086881
Motion for Wiaver of Rights
Recused: Small, Sandefer, Tibbs

An administrative complaint was filed on 9/26/2001 charging the respondent with a violation of s. 489.533(1)(s), F.S., by practicing beyond the scope of a certification or registration; violation of 489.533(1)(a), F.S. by failing to comply with any provision of Part I of chapter 455, F.S.; violation of 455.227(1)(m) a contractor may not make deceptive, untrue, or fraudulent representations in or related to the practice of a profession.

Respondent was not present nor represented by counsel.

MOTION: Mr. Bellemare made a motion to accept the motion for Waiver of Rights 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: The motion was seconded.

Motion passed unanimously.

MOTION: Mr. Langer made a motion to impose costs in the amount of \$1,439.01, a fine of \$1000.00 and a 1 year suspension followed by 1 year of probation, respondent must appear before the board to have the suspension lifted.

SECOND: Mr. Bramlett.

Motion passed unanimously.

Gerald B. Schill
Current Electric Contracting, Co.
4661 Donovan Street
Orlando, FL 33808
License #: ER 9355
Case Number: 2004-007388
Motion For Waiver of Rights
Recused: Small, Sandefer, Tibbs

Case was pulled from the agenda by Mr. Winters.

David Tringo
19737 SW 14th Street
Pembroke Pines, FL 33029
License Number EC13002239
Case No.: 2004-014124
Hearing pursuant to 120.57(2), F.S.
Recused: Small, Sandefer, Tibbs

Respondent was not present but not represented by counsel.

MOTION: Mr. Kiner made a motion to accept the Findings of Facts and conclusions of law as stated in the Administrative Complaint.

SECOND: Mr. Bramlett.

Motion passed unanimously

MOTION: Mr. Penner made a motion to Revoke the license and impose costs in the amount of \$510.94.

SECOND: The motion was seconded.

Motion passed.

APPLICATION REVIEW – Norman Mugford, Chairman

Second Business Applications

Present during this portion of the meeting were: Earnest C. Westberry, Blakeslee Electrical Contractors, Inc.; Leonard P. Kasper, Standby Power Systems, Inc.; Eric Merced, Complete Power Solutions, LLC; Manuel J. Linares, A & A Trycounty Electric, Inc.; Richard W. Clarke, B & L Electric, LLC; Raymond S. Young, Teleswitch Technologies, Inc.; Rimantas A. Pauzuolis, Cable Wizard Corp; Neville

R Bennett, E-Security Systems, Inc.;Patrick W. Ferracano, Sass Electrical, Inc.;Thomas A. Geddings, Atlantic Companies, Inc. dba Budget Alarm Monitoring;Ramon Lorente, American Power Electric Corp;Lawrence Pasetti, Alliance Power Solutions, Inc;James R. Kimes, Sound Waves Audio Video Interiors, Inc.;Ronald Howe, Southerland Electrical Solutions;Benjamin E. Smith, S & W Electrical Contractors, Inc.;David Jones, Tropic Ventures Consultants, Inc.;Alberto Blaya, Trident Telecom, Inc.;Michelle Poole, Southeast Mechanical Contractors, LLC d/b/a Southeast Mechanical Contractors;Thomas A. Eidson, Sanford & Smith Electric, Inc.;Glenn Kaiser, Gannaway Builders, Inc.;Marie Morales, United Home Technologies, Inc;Theodore Cava, Theodore F. Cava, Inc.;John M. Maul, Central Florida Generator Service, Inc.;Alexander S. Pollock, Comverge, Inc.;Kim Watkins, Maycomm Global Services, LLC;Carrie S. Carter, Integrated Fire Solutions Inc;George L. Cancio, Syntech Engineering Technologies, Inc. dba Syntech Engineering;Steven F. Hatch, DynaFire, Inc.;Corliss Crowley, W.R. Anderson Electric;Deak John Phillips, LVTek, Inc.;Harry D. Long, H D Long Electrical Contractor, Inc.;Mark D. Wampner, Signature Security & Sound Design, Inc.;Brian M. Horan, V. A. Rossi Electric Co., Inc.;Wayne C. Strohaker, J & J Multiservices, LLC;Samuel N. Azuz, Rapid Alert, Inc.;Archie W. Brown, Empire Electric Service & Repair, Inc.;Leonard P. Chapel, 24/7 Power Company, LLC;Corlis Crowley, W.R.Anderson Electric Company, Incorporated;Thomas B. Firmschild, Digital Home Orlando, Inc.;Evan Katz, Consolidated Cable Solutions of Florida, Inc.;Jeffrey F. Klein, Communication Technology Services, LLC;Lawrence Pasetti, III, Alliance Power Solutions, Inc.;David Phillips, Devon Security Services Corp dba Security Equipment Company;Michele Poole, Southeast Mechanical Contractors, LLC dba Southeast Mechanical Contractors;Marvin M. Sarria, NDK Electric, Inc.;Wayne C. Strohaker, J & J Multiservices, L.L.C. and Michael Fuqua, Choice Electric, LLC.

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.

PETITION FOR DECLARATORY STATEMENT, MARY ELLEN CLARK, ESQ., ASSISTANT ATTORNEY GENERAL

ParTech, Inc.

On August 9, 2005 Brent J. Horton, Esq. filed a request for a Declaratory Statement on behalf of ParTech, Inc. verifying that “The electrical licensing requirements of Fl. Stat. §489.501 *et seq.* do not apply to Par Tech’s installation of Pont of Sale Computer Systems at customer locations, because ParTech’s activities are exempted by Fl. Stat. §489.503.”

Neither the petitioner nor their counsel were present..

Mr. Sandefer pointed out that the information states wiring was installed in the space above drop ceilings to the computers. Mr. Sandefer stated this would be considered installed wiring systems.

Mr. Mugford pointed out 61G6-7.001(4), F.A.C. under limited energy system specialty specifically says data distribution networks are covered under the scope of the license. Mr. Mugford stated he did not think the work being done was exempt based on 61G6-7.001(4), F.A.C.

Several Board members expressed agreement with Mr. Mugford.

Ms. Clark clarified that it was the fact they are running wire between the terminals and it did not matter if it became a permanent part of the building or not.

Mr. Mugford stated that they are running data cables as part of a point of sale system which is essentially a data distribution network within the facility itself.

MOTION: Mr. Bellemare made a motion respond that ParTech, Inc. is not exempt from licensure per 61G6-7.001(4), F.A.C.

SECOND: Mr. Tibbs

Motion passed unanimously.

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT – Mary Ellen Clark, Assistant Attorney General

Maxwell Cobb

Application Denial - Certification of a Registered License

This matter originally came before the board on May 18, 2005, the board denied the application on the grounds the applicant was convicted of felonies and did not provide proof his civil rights had been restored pursuant to section 112.011(1)(b), F.S. The Notice of Intent to Deny was filed on 6/13/2005. Mr. Cobb timely submitted an Election

of rights form. Mr. Cobb requested a continuance at the July 29, 2005 meeting which was granted by the board.

Mr. Cobb was not present and sent a letter requesting a continuance.

MOTION: Mr. Tibbs made a motion to grant the continuance until November 2005.

SECOND: Mr. Roberts.

The motion passed unanimously.

Robin Rivera
Application Denial – Certification of a Registered License

This matter originally came before the board on May 19, 2005, the board denied the application on the grounds the applicant failed to demonstrate financial responsibility per 489.514(2)(e) and 489.515(1)(b) as evidenced by an unfavorable credit history. The Notice of Intent to Deny was filed on 6/13/2005. Mr. Rivera timely submitted an Election of rights form.

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

MOTION: Mr. Penner made a motion to uphold the Denial.

SECOND: Mr. Bramlett

The motion failed by a vote of 3 in favor, 7 opposed.

MOTION: Mr. Tibbs made a motion to approve the application contingent upon Mr. Rivera providing proof of identity theft to the board office, in the form of a police report from the time period of 1 ½ to 2 years ago.

SECOND: Mr. Kiner.

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

Aldo Scarlato
Application Denial - Unlimited Electrical Contractor Examination

This matter originally came before the board on July 28, 2005, the board denied the application on the grounds the application did not show at least 40% of the work experience in 3 phase service as required by Rule 61G6-5.003(1)(a)2.a., F.A.C. And did not show the required experience in the trade per section 489.511(2)(a), F.S. The Notice of Intent to Deny was filed on 8/18/2005. Mr. Scarlato timely submitted an Election of rights form.

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

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

SECOND: Mr. Sandefer

The motion passed unanimously

Michael D. Falcone
Application Denial – Additional Business Application

This matter originally came before the board on July 28, 2005, the application failed to include a credit report dated within 12 months as required by Rule 61G6-5.005(4), F.A.C. and section 489.521(3)(a), F.S. The Notice of Intent to Deny was filed on 8/22/2005. Mr. Falcone timely submitted an Election of rights form.

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

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

SECOND: Mr. Bellemare.

The motion passed unanimously.

James Gocher
Application Denial – Unlimited Electrical Contractor Examination

This matter originally came before the board on July 28, 2005, the board denied the application on the grounds the application did not demonstrate at least 40% of work experience in 3-phase service as required by s. 489.514(2)(a), F.S. The Notice of intent to Deny was filed on 8/18/2005. Mr. Johnson timely submitted an Election of rights form.

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

MOTION: Ms. Small made a motion to reverse the denial and grant the license.

SECOND: Mr. Bellemare.

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

James Fortkamp
Application Tabled - Endorsement

Mr. Fortkamp was not present.

MOTION: Mr. Bellemare made a motion to deny the application per 489.511(6)(b), stating the criteria for issuance were not similar.

SECOND: Mr. Sandefer.

Ms. Clark will prepare a Notice of Intent to Deny.

Motion passed unanimously.

Michael Webb
Application Denial - Endorsement

Mr. Webb was not present and had not provided any additional information regarding his examination.

MOTION: Mr. Bellemare made a motion to deny the request for reconsideration.

SECOND: The motion was seconded.

The Board did not reconsider the application.

Ronald Dushek
Application being reconsidered due to insufficient information at the July meeting – Residential Specialty Examination

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

Ms. Clark asked Mr. Dushek to waive the 90 day processing time per section 120.60, F.S. Mr. Dushek agreed to waive the processing time requirement.

MOTION: Mr. Sandefer made a motion to continue the application for 6 months to allow Mr. Dushek time to obtain the official charging documents and provide proof of the status of his civil rights.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Johnny Pannell
Application Denial - Registration

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

Mr. Pannell requested additional time to take the examination, and stated he is in the process of taking it in Bay County.

MOTION: Mr. Sandefer mad a motion to continue the matter to the November 2005 meeting.

SECOND: Mr. Penner.

Motion passed unanimously.

Juan Peleaz
Application Denial – Unlimited Electrical Contractor Examination

Mr. Peleaz was not present.

Mr. Peleaz's attorney submitted a written request to allow his application to be withdrawn.

MOTION: Mr. Sandefer made a motion to allow the application to be withdrawn.

SECOND: Mr. Bramlett.

The motion passed unanimously.

Alvaro Chica
Approved Contingent – Sign Specialty Examination

Mr. Chica was not present.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to deny the application per 489.521(3)(a) and 61G6-5.005(3) and 61G6-5.004(2), F.S. for lack of a comprehensive financial statement prepared in accordance with General Accounting Procedures (GAP).

SECOND: Mr. Bellemare.

The motion passed unanimously.

Ms. Clark will prepare a Notice of Intent to Deny.

Mariano Serra
Application Denial – Unlimited Electrical Contractor Examination

Mr. Serra was not present.

Mr. Serra submitted a written request to withdraw his application as well as his request for hearing pursuant to section 120.57(2), F.S.

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

SECOND: Ms. Small.

Motion passed unanimously.

MOTION: Mr. Tibbs made a motion to allow the withdrawal.

SECOND: Mr. Bellemare.

The 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 September 20, 2005.

- ◆ 18 cases assigned to Legal after investigation
- ◆ 14 cases set for Probable Cause presentation
- ◆ 113 cases where an Administrative Complaint has been filed
- ◆ 0 case where Probable Cause was found
- ◆ 3 cases awaiting outside action
- ◆ 6 cases requesting a Formal Hearing
- ◆ 0 cases sent to consultant / expert
- ◆ 10 cases set for Board presentation
- ◆ 2 case referred to DOAH
- ◆ 0 cases awaiting Final Order
- ◆ 2 cases for settlement negotiations
- ◆ 2 case ready for default
- ◆ 1 cases for Stipulation or Request for Informal Hearing
- ◆ 0 cases requiring supplemental investigation
- ◆ 71 total cases in Legal
- ◆ 37 total year old cases

Mr. Winters requested permission from the board to continue prosecution of the cases that are more than 1 year old.

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 September, 2005.

- ◆ 55 cases in OGC
- ◆ 5 cases awaiting further investigation / expert report
- ◆ 1 cases awaiting Probable Cause determination
- ◆ 1 case set for Probable Cause
- ◆ 28 cases where an Administrative Complaint has been filed
- ◆ 1 cases requesting an Informal Hearing
- ◆ 3 cases requesting a Formal Hearing
- ◆ 3 cases for default / failed to respond to AC
- ◆ 13 cases hearing held; awaiting final order
- ◆ 0 cases re-opened
- ◆ 0 cases on appeal

LEGISLATIVE REPORT – Norman R. Mugford

The Board discussed the drafts of the following proposed legislation;

Draft language for 489.5188 – Electrical System Agents

The board approved the working draft as provided below.

489.5188 Electrical System agents.--

(1) A licensed electrical contractor may not employ a person to perform the duties of an electrical system agent unless the person:

(a) Is at least 18 years of age or has evidence of a court-approved declaration of emancipation.

(b) Has successfully completed an approved electrical training program or has completed the approved number of on the job training hours. Such training shall be from a board-approved provider, and the employee or applicant for employment shall provide proof of successful completion to the licensed employer. The board shall by rule establish criteria for the approval of training courses and providers and may by rule establish criteria for accepting alternative non-classroom education on an hour-for-hour basis. The board shall approve providers that conduct training in other than the English language. The board shall establish a fee for the approval of training providers or courses, not to exceed \$60. Qualified employers may conduct training classes for their employees, with board approval.

(c) Has work experience with installations, repairs and maintenance of electrical systems and equipment such as switches, lights, heaters, alarm and control systems. Determines need to repair and/or replace equipment. Works from blueprints, specifications and schematic diagrams. Tests wiring systems to ensure safety of all components. Plans, coordinates and schedules new or modified electrical systems. Estimates material required for job specific job components. Maintains safe working conditions for self and others. Stores and maintains supplies, tools and equipment. Has experience performing standard trade-related methods, materials, tools, and equipment. General knowledge of electrical codes (NEC). Familiar with city and state building codes, OSHA and regulations, standard safety practices and equipment, and other requirements for workplace. Trains other employees' specific skills and tasks, as required. Prepares reports and/or maintenance records and performs other related duties as assigned or requested.

(d) Has not been convicted within the last 3 years of a crime that directly relates to the business for which employment is being sought. Although the employee is barred from operating as an electrical system agent for 3 years subsequent to his or her conviction, the employer shall be supplied the information regarding any convictions occurring prior to that time, and the employer may at his or her discretion consider an earlier conviction to be a bar to employment as an electrical system agent. To ensure that this requirement has been met, a state licensed electrical contractor must obtain from the Florida Department of Law Enforcement a completed fingerprint and criminal background check for each applicant for employment as an electrical system agent or for each individual currently employed on the effective date of this act as an electrical system agent.

(e) Has not been committed for controlled substance abuse or been found guilty of a crime under chapter 893 or a similar law relating to controlled substances in any other state within the 3-year period immediately preceding the date of application for employment, or the effective date of this act for an individual employed as an electrical system agent on that date, unless he or she establishes that he or she is not currently abusing any controlled substance and has successfully completed a rehabilitation course.

(2) A nonsupervising employee working as a helper under the direct, on-site, continuous supervision of a state-certified electrical contractor, a state-registered electrical contractor or an electrical agent.

(3) An applicant for employment as an electrical system agent, or an individual employed as an on site company electrical representative on the effective date of this act, may commence or continue employment pending the completion of the required training and the results of the background check required by this section for a period not to exceed 90 days after the date of application for employment, or 90 days after the effective date of this act for individuals currently employed as electrical system agents. However, the person must work under the direction and control of a sponsoring licensed electrical contractor pending the completion of the training and the criminal background check. If an applicant or an individual employed on the effective date of this act does not complete the training or receive a satisfactory criminal background check within the 90-day period, the employment must be terminated immediately.

(4)(a) All licensed electrical contractors shall furnish each of its electrical system agents with an identification card.

(b) The identification card shall be designed in a board-approved format. The card must include a picture of the agent, must specify at least the name of the holder of the card and the name and license number of the contractor, and must be signed by the contractor and by the holder of the card. Each identification card is valid for a period of 2 years after the date of issuance. The identification card must be in the possession of each electrical system agent while engaged in electrical system agent duties.

(c) Each person to whom an identification card has been issued shall be responsible for the safekeeping thereof and shall not loan, or allow any other person to use or display, the identification card.

(d) Each identification card must be renewed every 2 years and in a board-approved format to show compliance with 8 hours of continuing education necessary to maintain certification as a electrical system agent.

(e) Each licensed electrical contractor must obtain an updated criminal background check from the Department of Law Enforcement for each electrical system agent who renews certification.

(5) Each electrical system agent must receive 4 hours of technical continuing education on electrical system design, installation and repair and false alarm prevention every year from a board-approved sponsor of training and through a board-approved training course.

(6) Failure to comply with any of the provisions of this section shall be a disciplinable offense against the contractor pursuant to s. 489.533.

Draft Language for 489.505 (29) – Definitions

The board approved the working draft as provided below
489.505 Definition

(29) “Electrical System Agent 2” means a person:

(a) Who is performing duties as a residential wireman and who is employed by a State certified or registered electrical contractor.

(b) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, or inspecting, a residential electrical system.

(c) Who has 1 year residential electrical wiring experience or 2000 hours of field experience.

(30) “Electrical System Agent 1 ” means a person:

(a) Who is performing duties as a commercial/industrial wireman and who is employed by a State certified electrical contractor.

(b) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, or inspecting, a commercial/industrial electrical system.

(c) Who has 2 years commercial/industrial electrical wiring experience or 4000 hours of field experience.

(31) “Unlimited Electrical System Agent” means a person:

(a) Who has performed duties as a residential/commercial/industrial wireman and who is employed by a State certified electrical contractor.

(b) Whose specific duties include any of the following: altering, installing, maintaining, moving, repairing, replacing, servicing, or inspecting, a residential/commercial/industrial electrical system.

(c) ~~Who~~ Has 4 years residential/commercial/industrial electrical wiring experience or 8000 hours of field experience and has passed a State approved electrical exam.

The Board agreed to have a conference call on October 21st, 2005 at 2:00 p.m. to further discussed the proposed legislative changes and any comment or concerns from their various associations. Staff will provide members with an electronic version of the proposals for them to forward to their association for comments.

Mr. Spivey read into the record the letter below from Jerry Lightner, President of Independent Electrical Contractors (I.E.C.) regarding the proposed legislative changes for Electrical System Agents.



Independent Electrical Contractors, Inc.

FLORIDA WEST COAST CHAPTER

9500 Koger Boulevard - Suite 103, St. Petersburg, FL 33702-2433

Ph: 727-577-7353/813-910-4400 E-mail: info@iecfwcc.org Fax: 727-576-8482

September 19, 2005

Anthony B. Spivey
Executive Director, Electrical Contractors Licensing Board, D.B.P.R.
Northwood Center 1940 N. Monroe Street
Tallahassee, FL 32399-0771

Dear Mr. Spivey,

Thank you for the opportunity to review the proposal under consideration that would provide for electrical agents in Florida.

The membership of Independent Electrical Contractors in Florida cannot support this concept. We do support the concept of ensuring a safe, competent workplace for our employees and the general population, but believe that Apprenticeship training and/or independent testing (from agencies such as Block, Experier, etc.), coupled with the requirement for a card or licensing system demonstrating competence throughout the workforce, as appropriate, is the correct alternative to pursue.

Because the ECLB recognizes a variety of Electrical Licenses, we believe it prudent to reinforce the various options by requiring local jurisdictions to issue and track Journeyman's cards to those individuals who demonstrate the competencies required of that particular discipline. As a minimum, we believe to be competent, an individual desiring to work in Florida should pursue a course of training:

- a) Commercial/Industrial Construction and/or Service (EC) - Journeyman Electrician (8000 OJT hours, 576 class hours, commercial/industrial electrician exam). This individual would be allowed to work in any aspect of the electrical construction trade from low voltage systems, to alarms, signs, residential, service, commercial, and industrial work.
- b) Alarm Systems (EP, EG) - Alarm Agent (1000 OJT hours, 40 class hours per system or 2000 OJT hours and 144 classroom hours for unrestricted authorization for work on any alarm system.). This individual would be restricted to installation, maintenance, service work, and supervision of crews working alarm systems (fire, security, and/or health services).
- c) Residential Construction and/or Service: (ES) - Residential Wireman (4800 OJT hours, 288 class hours, Residential Wireman Exam). This individual would be authorized to work in any aspect of residential electrical construction, service, maintenance, and supervision (rough crew, trim crew, finish crew, residential service).

We support the initiative currently being pursued that would require a licensed Journeyman Electrician to be on all non-residential construction sites in excess of 15,000 square feet. We also support developing an appropriate requirement, based on proper supervision and span of control for residential construction projects, all service trucks working independently, and all low voltage (less than 98 volts) projects. (During the transition to the new law, we would support authorizing unlicensed journeyman if the individual were properly enrolled in a state-registered apprenticeship program leading to a license).

Sincerely,

Jerry Lightner
President

RULES REPORT – Clarence K. Tibbs

Ms. Clark presented the Rules report to the board.

Rule 61G6-9.006(11), F.A.C., Approval of Continuing Education Courses – The following Language was published on 8/19/2005.

(11) Of the required 14 continuing education hours, ~~up to a licensee~~ may earn three business hours credit ~~may be earned~~ by attending, for at least three hours, a meeting of the board wherein disciplinary cases are considered. Licensees must attend the complete agenda of disciplinary cases to receive the continuing education hours. At least 7 days advance notice of the intent to attend the disciplinary case session must be given to the Board, and the licensee must check in with the Clerk of the Board prior to the beginning of disciplinary proceedings. ~~A maximum of 3 hours will be allowed during a renewal cycle.~~ Credit hours may not be earned when the licensee attends a disciplinary case session as a party to a disciplinary action.

Rule 61G6-9.003(7), F.A.C., Definitions – this rule went into effect on 8/10/2005.

(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%.

Rule 61G6-9.004(7), F.A.C., Continuing Education Requirements for renewal for Certificateholders and Registrants - this rule went into effect on 8/10/2005.

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

Rule 61G6-10.002, F.A.C., Violations and Penalties – This rule was noticed for development on 8/19/2005.

Ms. Clark suggested that Mr. Tibbs, Ms. Clark, Mr. Winters, Mr. Spivey and staff meet to draft the rule changes for Rule 61G6-10.002, F.A.C., on November 16, 2005 in Tallahassee prior to Probable Cause Panel.

Mr. Mugford provided a proposed change to rule 61G6-7.001(4). After comments from Ms. Clark on the proposal regarding the statutory authority for the rule, Mr. Mugford withdrew his rule change.

PROBATION COMMITTEE REPORT – Paul W. Sandefer

Mr. Sandefer stated that the reports submitted by Gary S. Lawrence, Case No. 2003-065771, Thomas Botlick, Case No. 2004-007407, Peter Langdon, Case No. 2003-

076456 all appeared to be in order. Mr. Sandefer also directed the board's attention to the September 2005 Probation Tracking List that staff had prepared.

Mr. Sandefer noted that Mr. Lawrence had not been turning in his reports because the low voltage work he performs does not require a license. Mr. Sandefer expressed concern that Building Departments were still not permitting or inspecting low voltage work.

Mr. Spivey agreed to talk to the Executive Director of the Building Code Administrators and Inspectors Board about the issue.

UNLICENSED ACTIVITY (ULA) REPORT – Kimberly A. DeBerry

No report was given

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

Mr. Spivey directed the Board's attention to the June 30, 2005 Financial Reports for the Operating account and Unlicensed Activity Account and noted that the operating account was in the red. Mr. Spivey also stated there are no significant revenues expected until the next renewal cycle which begins in June 2006. Mr. Spivey also explained to the Board that any advances made to the Board by the Department would have to be repaid with interest.

EXAMINATION REPORT – Clarence K. Tibbs

Mr. Tibbs directed the Board members' attention to the July 6, 2005 Examination Summary and the 2005 Year to Date Passing Information provided by the Bureau of Education and Testing. Mr. Tibbs also noted the passing rate for the Limited Energy Specialty exam was low.

ENDORSEMENT REPORT – Jeffrey M. Kiner

Mr. Kiner reported that there were no changes to report.

RATIFICATION OF APPLICATIONS - Jeffrey M. Kiner/Pierre Bellemare

Ms. Christie stated for the record that the lists would be attached to the minutes and incorporated by reference. Ms. Christie noted for the record that the information on Anthony Uhl, applicant for Certified Alarm System Contractor I examination should be corrected to state that the application was denied based on 489.511(4)(b).

Ms. Clark pointed out to the Board members that the denial was based on the "good moral character clause" and the Notice of Intent to Deny will include extensive details on the reason for the denial. Ms. Clark stated the board should be clear that the denial is based on the repeated arrests and convictions on misdemeanor charges. Ms. Clark also informed Ms. Christie that a copy of the entire application would need to be attached to the Notice of intent to Deny.

MOTION: Mr. Tibbs made a motion to accept the ratification lists.

SECOND: The motion was seconded.

Ms. Christie stated for the record that the ratification lists included the Continuing Education Committee results, Examination Application Review results, Additional Business Application Review results, Application Review results and the Ratification list of Application Processed by Department Staff. The lists will be attached to the minutes and are hereby incorporated by reference. (Lists are attached as exhibit A, B & C).

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

ADDITIONAL BUSINESS ENTITIES APPROVED:

See Exhibit A

APPROVED APPLICATIONS

See Exhibit A

APPROVED EXAM APPLICATIONS

See Exhibit B

DENIED APPLICATIONS

ENDORSEMENT

See Exhibit A

CERTIFICATION OF REGISTERED CONTRACTOR (GRANDFATHERING)

See Exhibit A

REGISTRATION

See Exhibit A

EXAMINATION

See Exhibit B

CONTINUING EDUCATION COMMITTEE

See Exhibit C

OLD BUSINESS/ NEW BUSINESS

James Ballard - Request for Emergency Registration upon the death of a contractor per 489.523

MOTION: Mr. Sandefer made a motion to approve the emergency registration.

SECOND: Mr. Bellemare.

Motion passed unanimously.

Fred Stoothoff - Request for Emergency Registration upon the death of a contractor per 489.523

MOTION: Mr. Bellemare made a motion to approve the emergency registration.

SECOND: Ms. Small.

Motion passed unanimously.

Mr. Sandefer expressed concern that a significant amount of the Board's time is being spent on additional business applications each month. He questioned if this was the best use of the Board's time.

Mr. Kiner suggested only requiring certain additional business applicant's to appear before the Board such as those who answer "yes" to background and financial questions on the application and those that staff felt needed to go before the board.

Ms. Clark stated that less than 1 additional business application per meeting has been denied during her time with the board.

Ms. Small asked if the language from the meeting could be added to the application form.

After some discussion the Board agreed to allow Department staff to process and approve additional business applications that did not have any "yes" answers on the background and financial questions, were only getting a license to qualify a second business (not a third or higher) and staff had no other concerns with the applications. The Board made it clear staff was free to refer any additional business application they felt needed the Board's attention. Applicants who were not referred to the board would be required to sign a statement that included the statements traditionally sworn to by the applicants at the meeting. The information will be incorporated into a new additional business application. The Board agreed to start this procedure for the November meeting.

Mr. Sandefer asked if there is a way for businesses to keep the low license number of a qualifier when the qualifier leaves the company to retirement.

Mr. Spivey stated there was not a way for the business or another licensee to take over a license number that belongs to another individual.

Mr. Winters pointed out that the Board has disciplined individuals for not transferring their license to a new business or for advertising under a former qualifier's license. Mr. Winters suggested that allowing businesses to continue to use former qualifier's license numbers in their advertising would make it very difficult for investigators and prosecutors to determine who to proceed against for discipline.

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

Ms. Clark updated the Board on the status of the appeal before the DCA on the denial of Keith Vetter's application for registration due to lack of civil rights. The case is still pending before the DCA, there was no new information to report to the Board.

EXECUTIVE DIRECTOR'S REPORT – Anthony B. Spivey

Mr. Spivey directed the Boards attention to the Investigative report.

Mr. Spivey asked the Board to consider a date and location for the January 2006 meeting.

Ms. Clark suggested that the Board set dates for March and May as well.

The Board agreed to following tentative dates and locations:

January 26 & 27, 2006 – Fernandina Beach, FL

March 22, 23, & 24, 2006 – Tampa, FL – the 22nd will be a workshop to discuss the Journeyman/Electrical System Agent proposal with input from the various associations.

May 18 & 19, 2006 - Ocala, FL (Hilton Hotel)

CHAIRPERSON'S COMMENTS – Norman Mugford

Mr. Mugford requested that Mr. Spivey extend an invitation to Secretary Marstiller to attend the November Board Meeting in Tallahassee.

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

Adjournment.