

**MINUTES FROM THE
SEPTEMBER 26-28, 2007
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Embassy Suites
Destin, FL**

The Board Meeting was called to order by Chairman Pierre Bellemare at 8:30 a.m.

**PLEDGE OF ALLEGIANCE AND INVOCATION
ROLL CALL**

Members Present

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

Others Present

Anthony B. Spivey, Executive Director
Ruthanne Christie, Government Analyst I
Reginald Dixon, Esq., Assistant Attorney General
Michael Flury, Esq., Assistant Attorney General
Drew F. Winters, Esq., Assistant General Counsel
Court Reporter – Elaine Richbourg, Court Reporter – 850-968-6465

Disciplinary Cases – Drew Winters, Assistant General Counsel

Albert C. Bryant

**License Number: ER 12533
Case Number: 2006-064106
Motion for Waiver of Rights
Recused: Small and Tibbs**

Mr. Bryant was not present nor represented by counsel. Mr. Bryant was charged with violation of 489.533(1)(m)2,F.S., financial mismanagement or misconduct.

MOTION: Mr. Sandefer made a motion to find a waiver of rights.

SECOND: Mr. Bellemare
Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to accept the findings of fact and conclusions of law as set for the in the administrative complaint.

SECOND: Mr. Bellemare.
Motion passed unanimously.

MOTION: Mr. Penner made a motion to impose fines of \$20,000 costs of \$192.67 and revocation of licensure.

SECOND: Mr. Mugford.
Motion passed unanimously.

Wayne Prophitt
License Number: EC 13002775
Case Number: 2006-006456
Settlement Stipulation
Recused: Small and Tibbs

Mr. Prophitt was not present nor represented by counsel. Mr. Prophitt was charged with violation of 489.533(1)(r), F.S., failing to obtain applicable permits and inspections.

MOTION: Mr. Sandefer made a motion to accept the stipulation imposing fines of \$500 and costs of \$105.30.

SECOND: Mr. Langer.
Motion passed unanimously.

APPLICATION REVIEW – Norman Mugford, Chairman

Second Business Applications

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

Thomas M Ahern, Southern Sound Inc.; Paul A. Alkema, Tri County Air Conditioning-Heating Inc.; Pierre Bellemare, Bellemare Total Systems Integration LLC; Christopher F. Brown, Iverify.Us Inc.; Steven C. Brown, B&B Landscape Lighting Inc.; Dennis L Bryant, Sparky Bros LLC D/b/a Mister Sparky; Donald L Burrese, Custom Power Solutions Inc.; Adam Chapman, LGJ Enterprises Inc. d/b/a Outdoor Lighting Perspectives; James E. Cheever, TSI Electric Inc.; Michael Conner, Conner Consulting Inc.; Mark T. Cox, Wright Electrical & Lighting Inc.; Patrick A Cushing, Custom Systems Group Inc.; Michael Deese, Seabreeze Electric LLC; Thomas Farren, D & T Design Incorporated; Gary J Frazier, Lawrence Reznik Construction Management LLC d/b/a Generator Concepts; Lloyd Gerber, DS Electrical Contractors LLC; Robin G. Griffith, Bay Alarm Protective Systems; Errol L. Johnson, I Electric Inc.; James Krzykowski, Sunshine Electric Inc.; Russell J. Mantz, Peay's Electric Inc.;

Gilbert Mcdonald, Secure Technologies Integrators Inc.; Steve Middleton, All Coast Communications Inc.; Timothy Morgan, MH Asset Management LLC; Keith Owens, Air Slinger Inc.; Richard W. Perry, Front Point Security Solutions LLC; Michael P. Quinn, Afc Securelink Inc.; Paul Rennebu, Alternative Electric Inc.; Andrew Riedel, Nightlites Professional Lightscaping Inc. d/b/a Nightlites Inc.; Jerry Rolison, Daj Electric LLC; David A. Soltez, Cornerstone Kitchens Inc.; George Snodgrass, Mata Gras Enterprises Inc.; Richard A. Stewart, Onteriors LLC; Mark Uffelman, Certified Technical Services Inc.; Frank Valenti, US Integrators LLC d/b/a Frontline Protection Systems; Derek Vaughn, Global Control Systems LLC d/b/a Global Watch and Donald Davis, Heritage Mechanical Services Of High Springs LLC.

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

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

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

Each applicant answered affirmatively to each of the preceding questions.

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

Thomas Allen Bohn

Application Denial – Additional Business

Mr. Bohn was present and sworn in by the court reporter. The application was denied at the May 17, 2007 meeting, a Notice of Intent to Deny was filed June 25, 2007. Mr. Bohn timely filed an Election of Rights Form requesting a hearing.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Jeremy Johnson

Application Denial – Initial Certified License

Mr. Johnson was not present nor represented by counsel. Ms. Christie notified the Board that the applicant submitted a request to withdraw his application.

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

Julio C. Hernandez

Application Denial – Reactivation of Registration

Mr. Hernandez was not present nor represented by counsel. The application was denied at the May 17, 2007 meeting, a Notice of Intent to Deny was filed on July 5, 2007. Mr. Hernandez timely filed an Election of Rights form.

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

SECOND: Mr. Mugford.

Motion passed unanimously.

Harold Chapman

Application Denial – Initial Registration

Mr. Chapman was present and sworn in by the court reporter. The application was denied at the May 17, 2007 meeting, a Notice of Intent to Deny was filed on July 5, 2007.

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

SECOND: The motion was seconded.

Motion passed unanimously.

Edward Degel

Application Denial – Additional Business

Mr. Degel was present and sworn in by the court reporter. The application was denied at the July 27, 2007 meeting, a Notice of Intent to Deny was filed on September 4, 2007.

Mr. Tibbs asked Mr. Degel the following questions:

~ *“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?”*

Mr. Degel answered affirmatively to each of the preceding questions.

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

SECOND: Mr. Huff

Motion passed unanimously.

Alexis Pitre

Application Denial – Unlimited Electrical Contractor Examination

Mr. Pitre was present and sworn in by the court reporter. The application was denied at the May 17, 2007 meeting, a Notice of Intent to Deny was filed on July 5, 2007. Mr. Pitre timely filed a request for a hearing.

MOTION: Mr. Tibbs made a motion to deny the request for a formal hearing.

SECOND: Mr. Sandefer

Motion passed unanimously.

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

SECOND: Mr. Tibbs

Motion passed unanimously.

Mr. Pitre asked to be scheduled for the November exam.

RECONSIDERATIONS – Reginald Dixon, Esq., Assistant Attorney General

Eddie Caro

Application Denial – Add a County to Registered License

Mr. Caro was not present nor represented by counsel. The application was denied at the May 17, 2007 meeting, a Notice of Intent to Deny was filed on July 5, 2007. Mr. Caro timely submitted an Election of Rights form.

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

Christopher Mcauley

Application Denial – Unlimited Electrical Contractors' Examination

Mr. Mcauley was present and sworn in by the court reporter. The application was denied at the May 17, 2007 meeting, a Notice of Intent to Deny was filed on July 5, 2007. Mr. Mcauley submitted a request for hearing.

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

SECOND: Ms. MacGowan.

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 25, 2007.

- 14 cases assigned to Legal after investigation
- 14 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
- 2 cases requesting a Formal Hearing
- 0 cases sent to consultant / expert
- 3 cases set for Board presentation
- 1 case referred to DOAH
- 22 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
- 1 case pending informal hearing
- 68 total cases in Legal
- 14 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.

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

LEGISLATIVE REPORT – Norman R. Mugford

The Board inquired about the upcoming discussion of Journeymen Licensing. Mr. Spivey told the Board that invitations would be sent to the association contacts they provided next week asking them to provide the Board with their ideas.

The Board nominated the following members to be on a committee to discuss the meeting via conference call:

Robert Bramlett
Paul Sandefer
Roger Langer
Norman Mugford
Jeffrey Kiner
Donald Penner

The Board instructed Ms. Christie to schedule a conference call for the last week of October.

RULES REPORT – Clarence K. Tibbs

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

61G6-5.0061 notice published 8/31/2007
61G6-6.017 notice published 8/31/2007
61G6-7.001(3) notice published 7/27/2007
61G6-10.0065 notice published 8/31/2007
61G6-10.008 notice to be published 10/5/2007

61G6-10.0015 – Standards of Practice

MOTION: Mr. Tibbs moved to notice the rule for development and adopt the language provide by Mr. Dixon and Mr. Winters.

SECOND: Mr. Sandefer

61G6-10.0015 Standards of Practice

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

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

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

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a copy of the entities' or persons' current Florida certification or registration to practice as an electrical or alarm system contractor.

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

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

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

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

History: New

PROBATION COMMITTEE REPORT

The Board reviewed and accepted the probation reports of Neville Robinson.

Ms. Christie noted that Mr. Robert Bryan appeared before the Board at application review and the Board voted to reinstate his license and approve his transfer.

UNLICENSED ACTIVITY (ULA) REPORT – Norman Mugford

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

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

Mr. Tibbs directed the Board's attention to the financial reports for the Operating Account and the Unlicensed Activity Account dated June 30, 2007. The Board noted that the Operating Account remains in the red despite the special assessment in 2006.

EXAMINATION REPORT – Clarence K. Tibbs

Alex Bosque and Julia Gould gave a presentation to the Board about Compute Based Testing.

The Board expressed interest in further pursuing computer based testing. The main concern expressed was sufficient space in the testing cubicles for references.

Mr. Bosque told the Board it could take up to 1 year to go through the process of moving to a computer based exam.

Mr. Bosque suggested scheduling the Board members for a visit to a test facility and offered to provide them with an opportunity to review an exam at their November meeting in Tallahassee.

ENDORSEMENT REPORT – Jeffrey M. Kiner

No changes to the matrix. The Board discussed the way they had previously interpreted 589.511(6)(a) and Mr. Dixon stated he read the statute to require bot a similar exam and the qualifications such as experience as stated in 489.511 F.S.

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: Mr. Langer

Motion passed unanimously.

See Exhibits A, B and C.

OLD BUSINESS/ NEW BUSINESS

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

No Report.

EXECUTIVE DIRECTOR'S REPORT – Anthony B. Spivey

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

November 14 -16, 2007 (3 day meeting) - Tallahassee
January 17 -18, 2008 – Amelia Island Plantation
March 13-14, 2008 - Orlando
May 14-16, 2008 - TBA

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

Mr. Spivey asked the Board to consider using a committee to review exam applications prior to the meeting and have the full Board review only the applications that the committee had issues with and ratify the others in a list format. The Board discussed the proposal but did not make any motions.

CHAIRPERSON'S COMMENTS – Clarence Tibbs

The chairman thanked everyone for their efforts, welcomed Michael Flury, Esq. as the new Board Counsel and adjourned the meeting at 11:30 a.m.

Adjournment.