

**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 Burress, 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.**