

**MINUTES FROM THE JANUARY 23-24, 2003
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING**

**The Crowne Plaza Hotel Orlando Airport
5555 Hazeltine National Drive
Orlando, FL 32812
Tel: (407) 856-0100**

The Board Meeting was called to order by Chairperson Michele Poole at 8:00 a.m.

PLEDGE OF ALLEGIANCE AND INVOCATION – Jeffrey Kiner

ROLL CALL- Members Present

Arnaldo L. Abreu
Pierre Bellemare
Kimberly DeBerry
Jeffrey Kiner
Roger Langer
Norman Mugford
Michele Poole, Chairperson
Lewis Roberts
Paul Sandefer
Rae Small
Clarence Tibbs, Vice-Chairperson

OTHERS PRESENT

Anthony B. Spivey, Executive Director
Gregory Spence, Government Analyst
Barbara R. Edwards, Assistant Attorney General
Rosanna M. Catalano, Assistant Attorney General
Gail Scott-Hill, Chief Professions Attorney
Suzette Bragg, Court Reporter, American Court Reporting Service

PETITION FOR VARIANCE AND WAIVER – Barbara R. Edwards, Assistant Attorney General

Dominic Pipia, Jr.

Petition for Variance and Waiver of the Electrical Contractors' Licensing Board Rule 61G6-9.001, F.A.C., Continuing Education for Reactivation, Case No. VW 2002-068

In a petition filed with the department on November 25, 2002, Mr. Pipia states in part:

"I am asking for a variance from the [rule 61G6-9.001](#) in regard to specific, the rule revised July 2001 puts a hardship which could not be recognized when I put my license in inactive status on August 5, 1994. It is not the rule in such that I am asking for a variance of but the lack of wording that was left out from the new revision of July 2001.

This rule subjects the inactive licensee to 12 classroom hours of continuing education for each year of inactive status.

I am asking that the State of Florida consider a variance and revert to the previous statute August of 2000, which limits continuing education for reactivation, 'not to exceed forty-eight (48) hours or four (4) years.' I am requesting that the variance would be temporary for 12 months so I may get the 48 hours of continuing education and reactivate my license.

This existing rule, on how it reads would require me to have 96 continuing education hours at this time. And counting! This would be a tremendous hardship on me and an unfair advantage for others."

Mr. Pipia was neither present nor represented by counsel. Ms. Edwards introduced the matter for the record. Ms. Edwards stated that Mr. Pipia had requested a continuance of the matter and she recommended that the Board grant a continuance. The Board entered into discussion regarding Mr. Pipia's petition. After discussion:

MOTION: Mr. Abreu motioned to APPROVE a continuance of the matter.

SECOND: Mr. Tibbs. The Board voted on the motion. The motion passed unanimously.

INFORMAL HEARINGS – Barbara R. Edwards, Assistant Attorney General

Gerald James Cliver

Application Denial – Certification of a Registered License

This matter first came before the Board at a duly noticed public meeting on September 26-27, 2002, in Tampa, FL. The Board denied the application on the grounds that it failed to establish the requisite financial responsibility required by [Section 489.515\(1\)\(b\), F.S.](#), as referenced by [Section 489.514\(2\)\(e\), F.S.](#), and [Rule 61G6-5.005, F.A.C.](#), and the evidence of unsatisfied claims on the Financial Responsibility Questionnaire. Mr. Cliver, through his counsel, Jon H. Anderson, filed a petition for a formal hearing pursuant to [Section 120.57\(1\), F.S.](#), and [Rule 28-106.201, F.A.C.](#) In lieu of a formal hearing, Counsel Anderson agreed to come before the Board as an informal hearing pursuant to [Section 120.57\(2\), F.S.](#), and [Rule 28-106.301, F.A.C.](#) Subsequently, Counsel Anderson requested the Board grant a continuance in this matter as he would be unable to represent Mr. Cliver at the time the matter was scheduled to be heard by the Board.

Mr. Cliver was neither present nor represented by counsel. Ms. Edwards introduced the matter for the record. Ms. Edwards stated that Mr. Cliver, through counsel, had requested a continuance of the matter and she recommended that the Board grant a continuance.

MOTION: Mr. Abreu motioned to APPROVE a continuance of the matter.

SECOND: Mr. Tibbs. The Board voted on the motion. The motion passed unanimously.

RECONSIDERATIONS – Barbara R. Edwards, Assistant Attorney General

James R. Moore

Application Denial – Certification of a Registered License

This matter first came before the Board at a duly noticed public meeting on January 16-17, 2002, in Tampa, FL. The Board denied the application on the grounds that it failed to demonstrate the requisite financial responsibility in accordance with [Rule 61G6-5.004](#), and [Rule 61G6-5.005, F.A.C.](#)

Mr. Moore requested an informal hearing pursuant to [Section 120.57\(2\), F.S.](#), and [Rule 28-106.301, F.A.C.](#) The matter was scheduled to be heard at the Board's March 21, 2002 meeting in Dania, FL. At the meeting the Board elected to continue the matter until the November 2002 Board meeting in order to allow Mr. Moore adequate time to provide evidence that the tax lien has been satisfied and the bankruptcy discharged as well as other documentation to demonstrate financial responsibility.

At the November 2002 meeting, Mr. Moore was present but not represented by counsel. Mr. Moore was sworn in by the court reporter. Ms. Edwards introduced the matter for the record. The Board entered into discussion regarding Mr. Moore's supplemental information and application and financial history. During discussion, Mr. Moore stated that he had tried very hard to get documentation demonstrating that the bankruptcies affecting his application had been discharged, but the relevant courts in his area had been uncooperative and unresponsive to his needs. After discussion, the Board voted to AFFIRM the previous DENIAL of Mr. Moore's application because of his inability to demonstrate financial responsibility and discharge of bankruptcies. Afterwards, the Board suggested to Mr. Moore that he continue to try and get some form of documentation from the bankruptcy courts.

Subsequently Mr. Moore obtained information from the courts indicating the resolution and discharge of bankruptcies, and thereby demonstrating the required financial responsibility. Mr. Moore requested that the Board reconsider his application.

Mr. Moore was present but not represented by counsel. Mr. Moore was sworn in by the court reporter. Ms. Edwards introduced the matter for the record. The Board entered into discussion regarding Mr. Moore's supplemental information and application and financial history. After discussion:

MOTION: Ms. Small motioned to REVERSE the DENIAL and APPROVE Mr. Moore's application.

SECOND: Norman Mugford. The Board voted on the motion. The motion passed unanimously.

Dennis T. Hardy
Application Denial - Transfer a License

This matter first came before the Board at a duly noticed public meeting on November 20, 2002, in Tallahassee, FL. The Board denied the application on the grounds that the application contained financial discrepancies. Ms. Edwards recommended the Board reconsider the application.

A notice of Intent to Deny was filed on December 27, 2002. Board staff attempted to contact Mr. Hardy, advising him of the reconsideration of his application. All correspondence to Mr. Hardy was returned to the Department as undeliverable.

Mr. Hardy was neither present nor represented by counsel. Ms. Edwards introduced the matter for the record. The Board entered into discussion regarding Mr. Hardy's application. After discussion:

MOTION: Mr. Bellemare motioned to AFFIRM THE PREVIOUS DENIAL of Mr. Hardy's application.

SECOND: Mr. Tibbs. The Board voted on the motion. The motion passed unanimously.

Carlos A. DeJesus
Application Denial – Certification of a Registered License

On September 10, 2002, Mr. DeJesus submitted an application for certification of a registered license. The application was reviewed by the Board at a duly announced public meeting on November 20, 2002, in Tallahassee, FL. The Board denied the application on the grounds that Mr. DeJesus has not had an active state registered contractor's license for five years as required by [Section 489.514\(2\)\(c\), F.S.](#), and "*the financials not listed for new company on his current ER license.*" Ms. Edwards recommended the Board reconsider the application.

Mr. DeJesus was neither present nor represented by counsel. Ms. Edwards introduced the matter for the record. The Board entered into discussion regarding Mr. DeJesus's application and experience. After discussion:

MOTION: Mr. Abreu motioned to AFFIRM THE PREVIOUS DENIAL of Mr. DeJesus's application on the grounds that Mr. DeJesus has not had an active state registered contractor's license for five years as required by [Section 489.514\(2\)\(c\), F.S.](#)

SECOND: Mr. Tibbs. The Board voted on the motion. The motion passed unanimously.

The Board directed staff to send a letter to Mr. DeJesus advising him of the November 1, 2004, sunset date for the "grandfather" provision.

Larry L. Crouch, Jr.
Application Denial - Certification of a Registered License

On or about August 29, 2002, Mr. Crouch submitted an application for the certification of his registered license. The application was reviewed by the Board at a duly announced public meeting on November 20, 2002, in Tallahassee, FL, and denied on the grounds that Mr. Crouch needed to clear a Federal tax lien. Ms. Edwards recommended the Board reconsider the application.

Mr. Crouch was not present for the proceedings but was represented by William P. Gray, III, Esq., Law Offices of Holland & Knight, LLP. Ms. Edwards introduced the matter for the record. The Board entered into discussion regarding Mr. Crouch's application. After discussion:

MOTION: Mr. Abreu motioned to AFFIRM the DENIAL of Mr. Crouch's application.

SECOND: Clarence Tibbs. The Board voted on the motion. The motion passed unanimously.

Arnold A. Iannacone
Application Denial – Certification of a Registered License

This matter came before the Board at a duly noticed public meeting on November 20, 2002, in Tallahassee, FL. The Board denied the application on the grounds that Mr. Iannacone was a convicted felon and had not provided proof that his civil rights had been restored in accordance with [Section 112.011\(1\)\(b\), F.S.](#), and the credit report submitted with the application showed evidence of outstanding collections. Ms. Edwards recommended the Board reconsider the application.

Mr. Iannacone was present and represented by Counsel Laurlee G. Westine, Esq., Figurski and Harrill, Attorneys at Law. Mr. Iannacone was sworn in by the court reporter. Ms. Edwards introduced the matter for the record. The Board entered into discussion regarding Mr. Iannacone's application and supplemental information. After discussion:

MOTION: Mr. Tibbs motioned to REVERSE the DENIAL and APPROVE the application.

SECOND: Mr. Sandefer. The Board voted on the motion. The motion passed unanimously.

Keith Kennedy
Application Denial - Certified Specialty Electrical Contractor
Residential Specialty Contractor

This matter first came before the Board at a duly noticed public meeting on September 26-27, 2002, in Tampa, FL. The Board denied the application on the grounds that it failed to demonstrate *"experience in 110 volt electrical work in residential applications, all listed experience is in low voltage applications and an overall lack of experience required under [Section 489.511\(2\)\(a\)3.a., F.S.](#)"* Mr. Kennedy elected to supplement the application and requested an informal hearing pursuant to [Section 120.57\(2\), F.S.](#), and [Rule 28-106.301, F.A.C.](#) At the November 20-21, 2002 meeting Mr. Kennedy was not present nor represented by counsel. At this time the Board voted to CONTINUE the matter to the next meeting, only if Mr. Kennedy appeared before the Board in person.

Mr. Kennedy was present but not represented by counsel. Ms. Edwards introduced the matter for the record. Mr. Kennedy was sworn in by the court reporter. The Board entered into discussion regarding Mr. Kennedy's application and experience. After discussion:

MOTION: Mr. Tibbs motioned to REVERSE the DENIAL and APPROVE Mr. Kennedy to take the Limited Energy Systems Specialty Contractor examination.

SECOND: Mr. Mugford. The Board voted on the motion. The motion passed unanimously.

Eric S. Bodley
Application Denial - Certified Specialty Electrical Contractor
Residential Specialty Contractor

This matter first came before the Board at a duly noticed public meeting on September 26-27, 2002, in Tampa, FL. The Board denied the application on the grounds that it failed to demonstrate compliance with the requirements of [Rule 61G6-5.003\(3\)\(b\), F.A.C.](#), in that Mr. Bodley did not submit any W-2 forms; lacked 3 years management experience as required by [Section 489.511\(2\)\(a\), 3., a., F.S.](#), and [Rule 61G6-5.003\(1\), F.A.C.](#); and had overall insufficient experience. Mr. Bodley elected to supplement the application and requested an informal hearing pursuant to [Section 120.57\(2\), F.S.](#), and [Rule 28-106.301, F.A.C.](#)

At the November 20-21, 2002 meeting Mr. Bodley was not present nor represented by counsel. At this time the Board voted to CONTINUE the matter to the next meeting, only if Mr. Bodley appeared before the Board in person.

Mr. Bodley was present, but not represented by counsel. Ms. Edwards introduced the matter for the record. Mr. Bodley was sworn in by the court reporter. The Board entered into discussion regarding Mr. Kennedy's application and experience. After discussion:

MOTION: Mr. Tibbs motioned to REVERSE the DENIAL and APPROVE Mr. Bodley to take the Limited Energy Systems Specialty Contractor examination.

SECOND: Mr. Mugford. The Board voted on the motion. The motion passed unanimously.

Robert M. Vowels
Application Denial - Certified Alarm System Contractor II Examination

On August 9, 2002, Mr. Vowels submitted an examination application for Certified Alarm System Contractor II. The application was reviewed by the Board at a duly announced public meeting on November 20, 2002, in Tallahassee, FL, and denied on the grounds that Mr. Vowels failed to demonstrate the requisite work experience as required by [Section 489.511, F.S.](#) Mr. Vowels elected to supplement the application and requested an informal hearing pursuant to [Section 120.57\(2\), F.S.](#), and [Rule 28-106.301, F.A.C.](#) Mr. Vowels was present but not represented by counsel. Mr. Vowels was sworn in by the court reporter. Ms. Edwards introduced the matter for the record. The Board entered into discussion regarding Mr. Vowels's application and experience. After discussion:

MOTION: Mr. Mugford motioned to REVERSE the DENIAL and APPROVE Mr. Vowels' application.

SECOND: Mr. Abreu. The Board voted on the motion. The motion passed unanimously.

Jay Marshall Easley
Application Denial - Certified Electrical Contractor by Endorsement

Let the record show this matter was stricken from the agenda as the Application Review Committee covered it.

PROSECUTING ATTORNEY REPORT – Gail Scott-Hill, Chief Professions Attorney

Ms. Scott-Hill directed the Board's attention to her report provided in the meeting agenda. Details of the report included the following as of December 27, 2002:

- 8-cases in the Office of the General Counsel
- 1-case awaiting outside action
- 9-cases set for Probable Cause
- 4-cases set for board presentation
- 4-cases where an Administrative Complaint has been filed
- 1-case requesting an Informal Hearing
- 2-cases where Formal Hearings have been requested
- 1-case for Default
- 1-case under Appeal

Future reports will include statistics concerning unlicensed activity cases.

DISCIPLINARY CASES – Gail Scott-Hill, Chief Professions Attorney

William H. Tiller
EZ 000090
Case # 2001-00108
Informal Hearing
Recused: Mugford, Kiner & Small

On October 8, 2002, the Department filed an Administrative Complaint in Case No. 2001-00108 charging the respondent with a violation of [Section 489.533\(1\)\(s\), F.S.](#), by practicing beyond the scope of a certification or registration. On or about October 21, 2002, the respondent filed an Election of Rights form indicating that he did not dispute the allegations of material fact and that he wished to be heard on the conclusions of law and the issue of penalty. On October 29, 2002, the subject was served a Motion for Final Order for Hearing Not Involving Disputed Issues of Material Fact.

The Department recommended that the Board enter a Final Order finding that the respondent violated the provisions of [Chapter 489, Part II, F.S.](#), and the imposition of one or more of the following penalties: place on probation, reprimand the license, revoke, suspend, deny the issuance or renewal of the certificate or registration, require correction, impose an administrative fine not to exceed \$5,000 per violation, require continuing education, assess costs associated with investigation and prosecution, impose any or all penalties delineated within [Section 455.227\(2\), F.S.](#), and/or any other relief that the Board is authorized to impose pursuant to Chapters 489 and 455, F.S., and/or the rules promulgated thereunder.

Mr. Tiller was present but not represented by counsel. After consideration of the complete record, the Board took the following action:

MOTION: Mr. Bellemare motioned to assess a penalty of reprimand against Mr. Tiller's license.

SECOND: Mr. Sandefer. The Board voted on the motion. The motion passed unanimously.

Carl Lezcano
EF 0000683
Case # 2002-00293
Motion for Default and Final Order
Recused: Mugford, Kiner & Small

Let the record show this case was withdrawn for further investigation.

Jerry Dale Yant
ER 0014556
Case # 2002-003058
Motion for Default and Final Order
Recused: Mugford, Kiner & Small

Let the record show this case was withdrawn because the respondent was not properly noticed.

Dennis T. Hardy
EC 0000398
Case # 2001-05507
Motion for Default and Final Order
Recused: Mugford, Kiner & Small

Let the record show this case was withdrawn because the respondent was not properly noticed.

MINUTES FROM THE NOVEMBER 20-21, 2002 BOARD MEETING

MOTION: Mr. Tibbs motioned to ACCEPT the minutes as presented.

SECOND: Norman Mugford. The Board voted on the motion. The motion passed unanimously.

Also, the board approved staff to release "draft copies" only of the meeting minutes prior to review and approval.

LEGISLATIVE COMMITTEE REPORT – Clarence Tibbs

The Legislative Committee reviewed [Chapter 468, Part XI, F.S., Employee Leasing v. Chapter 489, Part II, F.S.](#); proposed amendment to [Section 489.537\(3\)\(f\), F.S., Application of This Part](#); and proposed amendment to [Section 489.5185, F.S., Fire Alarm System Agents](#). Highlights of the discussion included:

- Defining a temporary agency as opposed to an employee leasing company.
- Allegation that some "temp agencies" misrepresent themselves as employee leasing companies.
- Consideration to add to the definition of employee – *"a person employed by an employee leasing company licensed under Chapter 468, Part XI, F.S."*
- Consideration to develop rule language requiring contractors to check leasing company licenses when entering into service contracts.
- Ms. Scott-Hill will have a law clerk from the [Office of the General Counsel](#) research this issue to determine the legislative intent and lend guidance to the board. The findings of this research will be presented to the board at the March 2003 meeting.
- The Legislative Committee reviewed [Section 489.537\(3\)\(f\), F.S., Application of This Part](#).

- After review and consideration of the proposed language changes from the November 2002 meeting, the Legislative Committee recommended the proposed language be presented as follows:
(3) *Nothing in this act limits the power of a municipality or county:*
(f) *To require that one electrical journeyman, who is a graduate of the [Institute of Applied Technology in Construction Excellence](#) or licensed pursuant to [s. 489.5335](#), [sic] be present on an industrial or commercial ~~new~~ construction site with a facility of ~~50,000~~10,000 gross square feet or more when electrical work in excess of 77 volts is being performed in order to supervise or perform such work, except as provided in [s. 489.503](#).*
- The proposed amendment to [Section 489.5185, F.S.](#), was withdrawn. The board indicated that the [State Fire Marshall's Office](#) is presently reviewing FASA Certification requirements. Information from this review will be shared with the [Alarm Association of Florida](#).

RULES COMMITTEE REPORT – Michele Poole

The Rules Committee reviewed proposed amendments to [Rule 61G6-7.001, F.A.C., Specialty Electrical Contractors](#); [Rule 61G6-9.003, F.A.C., Definitions](#); [Rule 61G6-9.005, F.A.C., Registration of Course Providers](#); [Rule 61G6-5.001\(5\), F.A.C., Definitions](#); F.A.S.A. Certified Journeymen – Continuing Education Requirements; and Proposed Changes to [Rule 61G6-4.019, F.A.C., General Definitions](#). A proper Notice of Proposed Rule Development had been filed well in advance of the meeting. Highlights of discussion included:

- Ms. Edwards reported that the [Joint Administrative Procedures Committee \(JAPC\)](#) had taken exception to the proposed amendment of [Rule 61G6-7.001, F.A.C.](#), because the proposed language failed to exempt those items which are exempt from licensure as provided in the statutes; specifically, those items that are exempt from the scope of licensure when those items are part of a cable television system.

MOTION: Ms. Small motioned to AMEND the proposed language to include the verbiage “cable television.”

SECOND: Ms. DeBerry. The Committee voted on the motion. The motion passed unanimously.

- Ms. Edwards will draft correspondence to JAPC addressing its concerns and will amend the proposed language accordingly.
- Ms. Edwards reported that the amendment to [Rule 61G6-9.003, F.A.C.](#), had been adopted and would become effective in 21 days.
- Ms. Edwards reported that the amendment to [Rule 61G6-9.005, F.A.C.](#), had been adopted and would become effective in 21 days.
- The Committee voted to amend the proposed language for [Rule 61G6-5.001\(5\), F.A.C.](#) The amendment included the verbiage: (5) *“Electrical contractor or unlimited electrical contractor” means a person as defined in [Section 489.505\(12\), F.S.](#), whose scope of practice is not limited to a specific segment of electrical contracting. An electrical contractor ~~or unlimited electrical contractor~~ shall be either certified or registered. A certified or registered electrical contractor is licensed to design electrical services up to and including 800 amps, up to 600 volts maximum.*

MOTION: Mr. Mugford motioned to ACCEPT the proposed amendment.

SECOND: Mr. Sandefer. The board voted on the motion. The motion passed unanimously.

- Because F.A.S.A. Certified Journeymen are locally licensed and the ECLB has no jurisdiction over such licenses, the Committee took no action in this matter.

- The Committee voted to amend the language of [Rule 61G6-4.019, F.A.C., Definitions](#). The proposed amendment includes the verbiage: *"The following words, terms and phrases are [sic] used in [Chapter 489, Part II](#) shall mean the following: The term "other advertising media" shall apply to business proposals, bill of sales, contracts, business cards, construction site signs, all newspapers, airwave transmission, phone directory, handbills, billboards, flyers, shopping and service guides (coupon offerings), magazines (including trade association publications) classified advertisements, [internet websites](#), manufacturer's "authorized dealer" listings, and signs on vehicles. They shall not apply to business stationery, balloons, pencils, pens, hats, articles of clothing, or other promotional novelties. Neither shall the terms apply to free phone directory listings (regardless of page color) of one, two or three lines, which display nothing more than the proper name, company name, address, and telephone numbers in whole or in part in an unbolded or unhighlighted print and without further textual or pictorial elaboration or touting in its overall display."*

MOTION: Mr. Mugford motioned to APPROVE the proposed amendment.

SECOND: Mr. Tibbs. The board voted on the motion. The motion passed unanimously.

FINANCIAL BUDGET LIAISON – Clarence Tibbs

The board reviewed the Fiscal Year 2001-2002 Annual Report. Ms. Edwards introduced Rosanna M. Catalano, Assistant Attorney General. Ms. Catalano will be assuming the role of Board Counsel after the close of this meeting. Ms. Scott-Hill announced that she would be assuming the role of Prosecuting Attorney for the ECLB, as Laura P. Gaffney had accepted another position within the department. The board directed staff to draft letters to Ms. Edwards and Ms. Gaffney acknowledging and thanking them for their service to the board.

UNLICENSED ACTIVITY REPORT – Kimberly DeBerry

Ms. DeBerry reported that she would contact Juanita Chastian, Unlicensed Activity Coordinator for the [Division of Regulation/Compliance](#), to inquire about current Department activities regarding unlicensed activity in particular, what are the department's plans to address unlicensed activity and distribute information to the public, and what is the current status of these efforts.

PROBATION COMMITTEE – Paul Sandefer

The Committee reviewed the probation in Case No. 2000-06427, DBPR v. Jesus Alfonso, proposed language from the November 2002 ECLB meeting held in Tallahassee, FL, and the proposed Probationary Quarterly Reporting Form. Highlights of discussion included:

- The respondent submitted quarterly reports in accordance with the Final Orders and terms and conditions of probation.
- The Committee recommended the following amendments to the proposed language:

As a condition of probation, Respondent shall file quarterly reports with the Board Office within 10-days of the end of each quarter. The report shall contain, as regards the quarter being reported:

A. Contracts

~~1. A list of all contracts executed.~~

1. A list of all contracts completed.

~~3-2.~~ Status of each project where work was performed.

~~4-3.~~ Name and telephone number of individual executing contract.

B. Permits

~~1.~~ A copy of all permit applications.

1. A copy of all permits received.

~~3-2.~~ A list of all permits receiving final inspection.

~~4-3.~~ Name and phone number of individual representing the inspection authority.

- The Committee recommended amending the proposed Probationary Quarterly Report form as shown on the following page.

MOTION: Mr. Sandefer motioned to ACCEPT the changes to the proposed Probationary Quarterly Report Form.

SECOND: Mr. Mugford. The board voted on the motion. The motion passed unanimously.



STATE OF FLORIDA
 DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

PROBATIONARY QUARTERLY REPORT

Florida's Future...
**Right Here.
 Right Now.**

Jeb Bush
 Governor

Diane Carr
 Secretary

Division of Professions

Electrical Contractors'
 Licensing Board

1940 North Monroe Street

Tallahassee, Florida

32399-0771

VOICE

850.487.1395

FAX

850.922.2918

TDD

800.955.8771

INTERNET

www.MyFlorida.com

Name and Address location of Project/Job		Name of Individual Executing Contract	Address and Telephone Number
Copy of Executed Contract Attached?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Contract Completed?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Permit #	Name of Individual Representing the Inspection Authority	Address and Telephone Number	
Copy of Permit Application Attached?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Copy of Permit Attached?	Yes <input type="checkbox"/> No <input type="checkbox"/>
		Final Inspection Received? Yes <input type="checkbox"/> No <input type="checkbox"/>	

Name and Address location of Project/Job		Name of Individual Executing Contract	Address and Telephone Number
Copy of Executed Contract Attached?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Contract Completed?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Permit #	Name of Individual Representing the Inspection Authority	Address and Telephone Number	
Copy of Permit Application Attached?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Copy of Permit Attached?	Yes <input type="checkbox"/> No <input type="checkbox"/>
		Final Inspection Received? Yes <input type="checkbox"/> No <input type="checkbox"/>	

Licensee Name:
License Number:

Current Address:
Telephone Number:

EXAMINATION COMMITTEE REPORT – Clarence Tibbs

The Examination Committee reviewed the examination results summary from the November 2002 examination; the [Fiscal Year 2003-2004 Examination Calendar](#); adoption of the 2002 National Electrical Code (NEC) as the basis of future examinations; and [Rule 61G6-5.002, F.A.C., Application for Certification by Examination](#). Highlights of discussion included:

- Mr. Tibbs stated that he attended the November 12, 2002 exam administration as an observer and will also attend the March 2002 examination as well as the pre-exam and post-exam review meetings.
- The Committee observed unusually low and high scores on the Alarm Contractor II and Limited Energy Systems Contractors exams, respectively. Mr. Tibbs will review the results with Joe Muffoletto, Exam Development Specialist, [Bureau of Education and Testing](#).
- Future electrical examination dates are July 8, 2003, November 20, 2003, and March 9, 2003. The corresponding examination application deadline dates are April 8, 2003, August 20, 2003, and December 9, 2003.
- The Committee recommended adoption of the 2002 NEC for the July 2003 and future examinations.

MOTION: Mr. Sandefer motioned to APPROVE the adoption of the 2002 NEC for the July 2003 and future examinations.

SECOND: Ms. Small. The board voted on the motion. The motion passed unanimously.

- Board staff requested the Committee consider amending the language of [Rule 61G6-5.002, F.A.C.](#), to correspond with current department practices. The proposed amended Rule is as follows: *“61G6-5.002 Application for Certification by Examination; Reexamination. (1) An applicant for certification by examination or by endorsement shall submit the complete application form together with all supporting data (including information required to be submitted under Rules 61G6-5.004 and 61G6-5.003, F.A.C. if applicable) to the Department of Business and Professional Regulation. The application shall be accompanied by the application fee. All initial applications for examination must be completed and filed with the Department at least ninety (90) days prior to the date of the examination. All applications not completed by the deadline will be automatically scheduled for the next examination. Correspondence, requests, information or other documents pertinent to the application must be postmarked twenty-one (21) days or received fourteen (14) days prior to any scheduled meeting of the Board. Items received after the fourteen (14) day period may not be considered until the next meeting of the Board. Any application that is not complete within one year from date of initial filing will be closed. (2) All reexamination applications, and any other required forms and documents must be completed and filed with the Department at least forty-five (45) days prior to the date of the examination for which the individual is applying.”*

MOTION: Ms. Small motioned to APPROVE the proposed amendment to Rule 61G6-5.003, F.A.C.

SECOND: Mr. Bellemare. The board voted on the motion. The motion passed unanimously.

ENDORSEMENT COMMITTEE REPORT – Jeff Kiner

The Endorsement Committee reviewed the Endorsement/Reciprocity Matrix. At the November 2002 meeting the Committee requested that staff obtain updated copies of the endorsement agreements with the States of [North Carolina](#) and [Georgia](#) and a copy of the endorsement agreement between the states of Georgia and [South Carolina](#). Board staff had attempted to contact each jurisdiction to obtain copies of the requested documents. Unfortunately, the licensing authorities in each state had not responded to the board's request at the time of the meeting.

APPLICATION COMMITTEE REPORT – Jeff Kiner

The Application Committee reviewed over fifty (50) applications for examination and licensure. During the application review, the Committee noted several items of concern and recommended the board direct staff to take measures to remedy the issues as quickly as possible. Such items included:

- The Central Intake Unit/Applications (CIU) group is requesting information from applicants that is not authorized, such as house deeds and vehicle titles.
- In many cases the deficiency letters sent to applicants are grammatically incorrect.
- The CIU staff is asking applicants to provide too much information regarding financial statements and the applicant's financial history.
- When applicants submit work experience and/or W-2 Forms indicating employment through an employee leasing company, CIU staff must check to see that the employee leasing company is licensed pursuant to [Chapter 468, Part XI, F.S.](#)
- CIU staff must check to ensure that W-2 Forms submitted with an application are authentic.

Approved/Approved Contingent Applications – All Categories

MOTION: Mr. Kiner motioned to ACCEPT the list of approved and approved contingent applications beginning with James W. Amendola and ending with Anthony Pasley.

SECOND: Mr. Sandefer. The board voted on the motion. The motion passed unanimously.

Present during this portion of the meeting was Thomas Davis. Mr. Davis requested the board reconsider three (3) applications he had submitted to qualify additional businesses. Board staff had also requested the board reconsider Leonard Kasper's application to qualify an additional business. Mr. Kasper was not present as required of second business entity applicants, but had requested a continuance. After reconsideration of the noted applications:

MOTION: Ms. Small motioned to REVERSE the DENIAL and APPROVE Mr. Thomas's applications to qualify three (3) additional businesses, with a letter of guidance from the board concerning BASA/FASA Certification requirements.

SECOND: Mr. Langer. The board voted on the motion. The motion passed unanimously.

MOTION: Mr. Kiner motioned to REVERSE the DENIAL and TABLE Mr. Kasper's application to qualify an additional business to the March 2003 meeting.

SECOND: Mr. Sandefer. The board voted on the motion. The motion passed unanimously.

The board delegated final approval authority of the approved contingent applications to board staff.

Applications Approved and Approved Contingent

Additional Business Entities

1. Amendola, James W. – **APPROVED**

2. Berlinghoff, Charles W. Jr. – **APPROVED**

3. Connors, Thomas J. – **TABLED** to March 2003 meeting.

4. ~~Davis, Thomas, F. – **APPROVED**~~

5. ~~Davis, Thomas, F. – **APPROVED**~~

6. ~~Davis, Thomas, F. - **APPROVED**~~

~~4-7.~~
artig, Cindy – **APPROVED**

~~5-8.~~
asper, Leonard – **CONTINUED TO MARCH 2003 MEETING APPLICANT HAS REQUESTED A CONTINUANCE, PLEASE REVISIT.**

~~6-9.~~
evy, Itchak – **APPROVED**

~~7-10.~~
yes, Alan J. – **APPROVED**

~~8-11.~~
olina, Osvaldo R. – **APPROVED**

~~9-12.~~
utrino, Robert T. – **APPROVED**

~~10-13.~~ H
ybus, James A. – **APPROVED**

~~11-14.~~ K
immons, Larry W. – **CONTINUED TO MARCH 2003 MEETING**

Endorsements

1. Easley, Jay M. (Reconsideration) – **APPROVED**

2. Crosby, Edward R - **APPROVED**

3. Holland, Mike C. (Reconsideration) **APPROVED**

4. Tant, Jr Lee E. (Reconsideration) - **APPROVED**

5. Williams, Robert K - **APPROVED**

Transfers

~~1-2.~~ Kroger, H. Henry – **APPROVED**

~~2-3.~~ McDermott, Peter – **APPROVED**

Exam Candidates

Unlimited Electrical Contractor

1. Chandler, Mark - **APPROVED**
2. Chesmore, Raymond - **APPROVED**
3. Cook, Thomas – **APPROVED**
CONTINGENT upon confirmation that H.R. Logic Of Orlando II, Inc., is a licensed employee leasing company per Chapt. 468, Part XI.
4. Curry, Michael - **APPROVED**
CONTINGENT upon receipt of a Financial Responsibility Questionnaire that is acceptable per Chapt. 489, Part II.
5. Glass, Timothy - **APPROVED**
6. Jago, Joe - **APPROVED**
7. Klable, Stephen M. – **APPROVED**
CONTINGENT upon successful completion of the Financial Responsibility Questionnaire.
8. Linkenhelt, Jay – **APPROVED**
9. Marcheck, David - **APPROVED**
10. Rosello, Juan - **APPROVED**
11. Samo, Russell - **APPROVED**

Alarm System Contractor I

1. Bowen, Shawn - **APPROVED**
2. Clark, Richard J. - **APPROVED**
3. Fowler, August - **APPROVED**
4. Hecker, Kevin - **APPROVED**
5. Romine, William - **APPROVED**
6. Stalzer, Frank - **APPROVED**
7. Warminski, Edward - **APPROVED**

Alarm System Contractor II

1. Bensoussan, Patrick - **APPROVED**
2. Gore, Joseph - **APPROVED CONTIGENT; not enough time, management experience starts 2/00 – approved for exam after 2/03.**
3. Mundarain, Miguel - **APPROVED**
4. Sergeant, Craig H. - **APPROVED**
5. Spring, Michael B. - **APPROVED**

Specialty Contractor

Residential

1. Dodge, Timothy - **APPROVED**
2. Roy, Denis A. - **APPROVED**

Sign Specialty

1. Bickel, Scott - **APPROVED**

2. Wilbourn, Stanley - **APPROVED**

Limited Energy

1. Austin, Jeff - **APPROVED**
2. Capps, Glenn - **APPROVED**
3. Clark, Bruce - **APPROVED**
4. Davis, Bruce - **APPROVED**
5. Fox, Charles - **APPROVED**
6. Garcia, Paul - **APPROVED**

7. Lombardi, Dan - **APPROVED**
8. Novak, Charles M. - **APPROVED**
9. Pires, Luzia - **APPROVED**
10. Sadler, Thomas - **APPROVED**
11. Salley, Ernest - **APPROVED**

Business Entity

1. Pasley, Anthony (Reconsideration - financial statement) – **APPROVED**

Denied Applications – All Categories

MOTION: Mr. Kiner motioned to ACCEPT the list of denied applications beginning with Jon Warner and ending with Eduardo Otero.

SECOND: Mr. Tibbs. The Board voted on the motion. The motion passed unanimously.

Registered Contractor

1. Warner, Jon – **DENIED; no proof of complying with the requirements of a Final Order per Rule 61G6-10.006(3)(a), F.A.C., and applicant failed to appear per Rule 61G6-10.006(3)(d), F.A.C.; no official notice was sent.**

Additional Business Entities

~~1.~~ Connors, Thomas J. – **TABLED to March 2003 meeting.**

~~2.~~ Davis, Thomas F. – **DENIED; invalid addresses, present employees in violation of BASA rules.**

~~3.~~ Davis, Thomas F. – **DENIED; invalid addresses, present employees in violation of BASA rules.**

~~4.~~ Davis, Thomas F. – **DENIED; invalid addresses, present employees in violation of BASA rules.**

~~5.~~ Kasper, Leonard – **CONTINUED to March 2003 meeting APPLICANT HAS REQUESTED A CONTINUANCE, PLEASE REVISIT.**

Simmons, Larry W. – **CONTINUED to March 2003 meeting**

Endorsements

1. Murphy, John Edward – **DENIED; Alabama is not approved for endorsement.**
2. Rivard, James P. – **DENIED; 489.511(6)(b), F.S., - Minnesota license is not approved for**

reciprocity.

Exam Candidates

Unlimited Electrical Contractor

- ~~1.~~ Creamer, John – **DENIED; did not provide any legal documentation for item #8, work experience is not with electrical contracting or electrical work.**
- ~~2.~~ De Pari, Charles R., III – **DENIED; does not meet experience requirements for years of experience, W-2 wages do not reflect years salary.**
- ~~3.~~ Frank, Susan – **DENIED; work history short of 3 years – 11/99 to 7/2002 and it does not show sufficient broad experience in unlimited electrical. The experience is very limited to residential and small generator installation.**
- ~~4.~~ Salmon, Don – **DENIED; 61G6-5.003(3), F.A.C., Financial Statement filled out incorrectly. On the exam application did not respond to item #7 – arrested, should give an explanation before this application can be considered complete.**
- ~~5.~~ Schmid, Richard K. – **DENIED; applicant's experience does not reflect in the trade as an employee of a contractor. All vehicles are in his name. Employment info. is not broad enough – work experience.**

Alarm System Contractor I

- ~~1.~~ Moore, Mark – **DENIED; 61G6-5.003(1), F.A.C., less than 40% Fire Alarm. Adding a smoke detector to a residential Burg system is not considered a Fire Alarm System.**
- ~~2.~~ Robinson, James V. – **DENIED; experience listed does not reflect working in the trade (for a licensed contractor). Recommend contractor provides license info. to applicant. (Gene Gilmartin)**

Specialty Contractor

Utility

- ~~1.~~ Olsen, Kenneth – **DENIED; experience does not satisfy 61G6-7.001(5), F.A.C.**

Limited Energy

- ~~1.~~ Hands-Clancy, Richard – **DENIED; appears to owe \$150 for exam, his ex-employer asked for a refund. Doesn't verify enough experience. Audited CPA report not included.**

Business Entity

1. Otero, Eduardo (Reconsideration – financial statement) – **DENIED; negative net worth.**

CONTINUING EDUCATION COMMITTEE – Arnaldo L. Abreu

Mr. Abreu presented the lists of CE Courses and FASA Courses Approved and Approved Contingent.

MOTION: Mr. Tibbs motioned to ACCEPT the list of approved and approved contingent CE courses.

SECOND: Mr. Sandefer. The Board voted on the motion. The motion passed unanimously.

The board delegated final approval authority of the approved contingent applications to board staff.

CE Applications

The following applications were **APPROVED CONTINGENT pending receipt of a time table to establish appropriate classroom hours in accordance with Rule 61G6-9.003(3), F.A.C., and inclusion of an evaluation test with a minimum passing grade of 75% per Rule 61G6-9.003(6), F.A.C.**

A. RedVector.com

- | | |
|---|--|
| 1. Understanding Construction Claims –
An Overview (Internet Format) | 8. Construction Payment Collections
(Internet Format) |
| 2. Telecommunications Fundamentals
(Internet Format) | 9. Construction Contract Law (Internet
Format) |
| 3. Site Safety Risk & Liability (Internet
Format) | 10. Basic Construction Mathematics
(Internet Format) |
| 4. Radon & New Homes (Internet Format) | 11. Asbestos: What is it & how do you
remove it? (Internet Format) |
| 5. Pricing as a Professional (Internet
Format) | |
| 6. Fuel Cell Power Systems (Internet
Format) | |
| 7. Electric Motors (Internet Format) | |

The following applications were **APPROVED.**

B. Mike Holt Enterprises, Inc.

1. 2002 Grounding & Bonding
(Correspondence Course)
2. 2002 National Electrical Code Changes
(Correspondence Course)

C. Hi Rise Safety

Fire Alarm Systems, Code Review (Internet Format) – **APPROVED CONTINGENT pending inclusion of an evaluation test with a minimum passing grade of 75% per Rule 61G6-9.003(6), F.A.C.**

CE Course Update

A. Leiby Taylor Sterns Linkhorst & Roberts, P.A.

1. Contract Language - **APPROVED**

Fire Alarm System Agents (FASA) CE Courses

A. Hi Rise Safety

1. Fire Alarm System Installation Code Review (Internet Format) - **APPROVED CONTINGENT pending receipt of a time table to establish appropriate classroom hours in accordance with Rule 61G6-9.003(3), F.A.C., and inclusion of an evaluation test with a minimum passing grade of 75% per Rule 61G6-9.003(6), F.A.C.**

Mr. Abreu presented the lists of CE Courses and FASA Courses Denied.

MOTION: Mr. Abreu motioned to ACCEPT the list of denied CE Courses and FASA Courses.

SECOND: Mr. Tibbs. The Board voted on the motion. The motion passed unanimously.

Fire Alarm System Agents (FASA) Training Courses

A. Hi Rise Safety

1. Advanced Fire Alarm Systems Technology (Internet Format) - **Denied; the time tables on pages 201 and 206 and 207 are not consistent and lack of an evaluating test with a minimum passing score of 75% per Rule 61G6-9.003(6), F.A.C.**

GENERAL SESSION

No discussion.

OLD BUSINESS

No discussion.

NEW BUSINESS

Correspondence from William L. Schott, Vice President and Corporate Counsel, SAFE, L. P., Regarding Licensing Requirements.

In a letter dated December 20, 2002, to Ms. Edwards, Mr. Schott writes in part:

"...On behalf of SECURITY ALARM FINANCING ENTERPRISES, L. P. ('SAFE'), I am writing to determine if the State of Florida requires our company to be licensed. A member of the Electrical Contracting Board recommended we contact you to obtain a Declaratory Statement regarding our situation. The Board has previously informed SAFE we are not required to be licensed. Unfortunately these previous statements have only been verbal and SAFE has no record of the Board's official position.

By way of background, SAFE is a limited partnership formed under the laws of the State of California. SAFE is in the business of acquiring security alarm monitoring contracts from alarm dealers throughout the United States, including Florida. Once SAFE acquires a contract it performs the billing and collection functions, but subcontracts the actual monitoring to a licensed monitoring station and coordinates any service requirements with a network of licensed third party vendors. SAFE markets itself as a finance company and capital source to alarm dealers and never solicits, sells, or installs alarm systems at a customer's residence or place of business. In addition, when SAFE acquires a contract they do not make any changes to its terms and conditions, and in fact, SAFE's name does not appear on the contract. The existing contract is merely assigned to SAFE using the assignment clause of the subject contract.

Based on the facts presented above and our review of the applicable Florida statutes, the Electrical Contracting Board does not require SAFE to be licensed. If you are in agreement with our position, at your earliest convenience please provide a Declaratory Statement so stating..."

After review and consideration of Mr. Schott's correspondence and upon the recommendation of Board Counsel, the board voted to deny his request for a Declaratory Statement.

MOTION: Mr. Bellemare motioned to DENY the request for a Declaratory Statement on the grounds that the request is not a properly formatted petition.

SECOND: Mr. Mugford. The Board voted on the motion. The motion passed unanimously.

Afterwards, the board directed that staff draft a letter to Mr. Schott, stating that because SAFE is sub-contracting, a license would be required.

BOARD COUNSEL'S REPORT – Barbara R. Edwards, Asst. Attorney General

Ms. Edwards reported to the board that she had been successful in litigating the case of Kevin Harrington v. the Electrical Contractors' Licensing Board, [DOAH Case No.: 02-1322](#). The Recommended Order from the Honorable Jeff B. Clark, Administrative Law Judge, will be presented to the board at the March 2003 meeting.

Ms. Edwards suggested the board consider a change in procedures with respect to application review. Ms. Edwards suggested eliminating the Application Committee and engaging the full board in

application review on the first day of the meeting. The board may implement this procedure at the March 2003 meeting.

Ms. Edwards stated that the present meeting would be her last meeting with the ECLB, whereafter Rosanna M. Catalano, Assistant Attorney General, would serve as Board Counsel.

EXECUTIVE DIRECTOR'S REPORT – Anthony B. Spivey

Mr. Spivey made his report to the board. Highlights of Mr. Spivey's report included:

- Diane Carr has been appointed as [Department Secretary](#).
- Mr. Spivey reminded the Board members to be sure to get "\$0 balance" invoices for their hotel expenses.
- The next meeting of the Board will be on March 20-21, 2003, in Tampa, FL.
- Tentative meeting dates and locations are May 14 – 16, Orlando; July 17-18, West Palm Beach; September 18 – 19, Jacksonville; November 20 – 21, Tallahassee; January 22 – 23, Key West.
- Reports that some county building officials were not allowing electrical contractors and electrical sign contractors to pull permits for non-electrical signs.
- Mr. Spivey distributed the First Quarter Financial Report FY 2002-2003. The board requested an explanation of the "auditing" entry used in the report; specifically, what does the auditing charge refer to.

After Mr. Spivey's presentation, several board members stated that they had received calls at their places of employment regarding complaints about the Customer Contact Center (CCC) and CIU staffs. Among the complaints were:

- CCC staff is not knowledgeable about the different contracting professions.
- CCC staff does not transfer calls to appropriate program areas.
- The Interactive Voice Response system (IVR) is frustrating to use and annoying to many callers.
- CIU staff is requiring applicants to send information that's not needed.
- Applications are confusing and require information that's not necessary.
- CCC needs to be more specialized with respect to the information it provides to customers.
- The response time for return calls from the CIU is too long.

CHAIRPERSON'S REPORT - Michele Poole

No report.

Motion was made by Mr. Abreu to adjourn. Motion passed unanimously.