

**MINUTES FROM THE
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Hampton Inn & Suites Amelia Island
19 South 2nd Street
(Meeting site was at 22 S. 3rd Street)
Fernandina Beach, FL 32304
January 26, 27 & 28 2011**

The Board meeting was called to order by Chairman Brian Flaherty at 8:30 a.m.

**PLEDGE OF ALLEGIANCE
INVOCATION**

ROLL CALL

Members Present

Brian Flaherty (Chairman)
Kenneth Hoffmann (Vice-Chairman)
Noel Thomas
Clarence K. Tibbs
Robert Bramlett
Paul Sandefer
David Botknecht
Bradley Giles
Benjamin Smith

Members Absent

Timothy Chinchor -excused

Others Present

Juanita Chastain, Executive Director
Ruthanne Christie, Government Analyst II
Deborah Loucks, Esq., Assistant Attorney General
LeChea Parson, Esq., Assistant General Counsel
Court Reporter – Accurate Stenotype Reporters, 850-878-2221

Approval of the Agenda

MOTION: Mr. Sandefer made a motion to approve the agenda.

SECOND: Mr. Thomas.

Motion passed unanimously.

Disciplinary Cases – LeChea Parson, Assistant General Counsel

**Charles Allen
Gator Signs, Inc.**

License #: ET1100069
Case #: 2007-017546
Recused: Tibbs, Thomas

This case was tabled until next meeting by Ms. Parson.

William Brydges
Individual
License #: EC2749
Case #: 2009-061956
Recused: Bramlett, Tibbs & Thomas

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

Mr. Brydges was charged with a violation of 489.533(1)(j), F.S., aiding and abetting an unlicensed contractor.

MOTION: Mr. Sandefer made a motion to accept the stipulation imposing a fine of \$1,000 and \$383.82 in costs allowing 6 months to pay.

SECOND: Mr. Giles.

Motion passed 5 in favor, 1 opposed (Mr. Botknecht).

Robert Gralak
Flamingo Signs, LLC
License #: ET712
Case #: 2010-025388
Recused: Thomas, Tibbs & Bramlett

Mr. Gralak was not present nor represented by counsel.

Mr. Gralak was charged with a violation of 489.533(1)(r), F.S., proceeding on any job without obtaining permits.

MOTION: Mr. Sandefer made a motion to accept the stipulation imposing a fine of \$750.00 and \$257.98 in costs.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

Francisco Lemus
Lightgate, Inc
License #: EC13003130
Case #: 2010-009225
Recused: Thomas, Bramlett & Tibbs

Mr. Lemus was not present, he was represented by counsel Leslie Florez, Esq.

Mr. Lemus was charged with a violation of 489.533(1)(j), F.S., aiding and abetting an unlicensed contractor.

MOTION: Mr. Sandefer made a motion to accept the stipulation imposing a fine of \$3,500, costs of \$65.80, 2 years probation and an additional 6 hours continuing education.

SECOND: Mr. Botknecht.
Motion passed unanimously.

Charles Pembroke
Pembroke Electric
License #: EC13003036
Case #: 2009-055524
Recused: Tibbs, Bramlett & Thomas

Mr. Pembroke was not present nor represented by counsel. He submitted a request for a continuance.

MOTION: Mr. Sandefer made a motion to grant the continuance.

SECOND: Mr. Hoffmann.
Motion passed unanimously.

David Crowder
David P. Crowder Electric
License #: ER2091
Case #: 2009-051599
Recused: Bellemare, Bramlett & Tibbs

Mr. Crowder was not present nor represented by counsel. He submitted a request for a continuance.

MOTION: Mr. Sandefer made a motion to grant the continuance.

SECOND: Mr. Hoffmann.
Motion passed unanimously.

Douglas Glenn
Comprehensive Energy Services
License #: EG13000336
Case #: 2009-062188
Recused: Tibbs, Thomas & Bramlett

Mr. Glenn was not present nor represented by counsel. Mr. Glenn was charged with a violation of 489.533(1)(m), F.S., financial mismanagement or misconduct, 489.533(1)(e), F.S. making or filing a false report or record.

MOTION: Mr. Sandefer made a motion the respondent was properly served.

SECOND: Mr. Giles.

Motion passed unanimously.

MOTION: Mr. Giles made a motion to find the respondent waived his right to hearing.

SECOND: Mr. Hoffmann.

Motion passed unanimously

MOTION: Mr. Sandefer made a motion to accept the findings of facts and conclusions of law as stated in the administrative complaint as those of the Board.

SECOND: Mr. Giles.

Motion passed unanimously.

MOTION: Mr. Hoffmann made a motion to impose a fine of \$1,000, costs of \$236.08, suspension of license until the respondent appears before the Board and the Board retains jurisdiction to impose probation at that time.

SECOND: Mr. Botknecht.

Motion passed unanimously.

Calvin Samuels

Tropic Electric,. Inc

License #: ER1919

Case #: 2009-040062

Recused: Tibbs, Thomas & Bramlett

Mr. Samuels was not present nor represented by counsel. Mr. Samuels was charged with a violation of 489.533(1)(m), F.S., financial mismanagement or misconduct, 489.533(1)(m)4, F.S. failure to pay a civil judgment.

MOTION: Mr. Sandefer made a motion to find the respondent was properly served.

SECOND: Mr. Smith.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to find the respondent waived his right to hearing.

SECOND: Mr. Hoffmann.

Motion passed unanimously

MOTION: Mr. Sandefer made a motion to accept the findings of facts and conclusions of law as stated in the administrative complaint as those of the Board.

SECOND: Mr. Botknecht.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to impose a fine of \$3,000, costs of \$625.34 and suspension of license until judgment is paid.

SECOND: Mr. Flaherty.

Motion passed unanimously.

APPLICATION REVIEW –Brian Flaherty, Chairman
Additional Business Applications

See exhibit A for a list of applicants that were present during this portion of the meeting:

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. Hoffmann 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.

PETITIONS FOR DECLARATORY STATEMENT, Deborah Loucks, Esq., Assistant Attorney General

Elite CEU – Kaleb Brashear President Re: Online FASA and BASA Initial Training Courses
Mr. Brashear was not present nor represented by counsel.

MOTION: Mr. Tibbs made a motion to decline to answer the petition.

SECOND: Mr. Thomas.

Motion passed unanimously.

**HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT –
Deborah Loucks, Assistant Attorney General**

Craig Brown
Application Denial

Mr. Brown was not present nor represented by counsel.

MOTION: Mr. Giles made a motion to reverse the denial.

SECOND: Mr. Bramlett.

Motion passed unanimously.

MOTION: Mr. Giles made a motion to approve the application as a downgrade to residential specialty.

SECOND: Mr. Bramlett.

Motion passed unanimously.

Dale Cicerelli

Application Denial

Mr. Cicerelli was not present nor represented by counsel, he requested a continuance.

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

Kirby Degnan

Application Denial

Mr. Degnan 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.

Motion passed unanimously.

Scott Hay

Application Denial

Mr. Hay 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.

Motion passed unanimously.

Michael Jansen

Application Denial

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

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Thomas Parrish

Application Denial

Mr. Parrish was not present nor represented by counsel, he requested a continuance.

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

SECOND: Mr. Thomas.

Motion passed unanimously.

Robert Remington
Application Denial

Mr. Remington 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.

Motion passed unanimously.

Orestes Wong
Application Denial

Mr. Wong was present and sworn in by the court reporter, he was represented by counsel Drew Winters, Esq.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Daniel Wellins
Application Denial

Mr. Wellins 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. Thomas.

Motion passed unanimously.

RECONSIDERATIONS –
Deborah Loucks, Assistant Attorney General

Kevin Piper
Application Denial – Remand from DCA

Mr. Piper was not present nor represented by counsel.

Ms. Loucks informed the Board there was an error in the final order denying Mr. Piper's application and requested the Board allow her to correct the order and re-file it.

MOTION: Mr. Sandefer made a motion to allow Ms. Loucks to correct the order.

SECOND: Mr. Bramlett.

Motion passed unanimously.

Virgil Bramlet
Application Denial

Staff pulled this item, Mr. Bramlet had requested to be on the March 2011 agenda.

Joseph Seabra
Application Denial

Mr. Seabra was not present nor represented by counsel.

MOTION: Mr. Tibbs made a motion to rescind the denial.
SECOND: Mr. Bramlett.
Motion passed unanimously.

Requests for Reinstatement of Null & Void License, Deborah Loucks, Esq., Assistant Attorney General

**Bronic Zagrobelny
Reinstatement of Null & Void License
Reconsideration**

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

MOTION: Mr. Tibbs made a motion to reinstate the license to active status and charge the fee of \$425.
SECOND: Mr. Sandefer.
Motion passed unanimously.

Timothy Neal – EC0001955

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

MOTION: Mr. Tibbs made a motion to reinstate the license to inactive status and charge the fee of \$500.
SECOND: Mr. Sandefer.
Motion passed unanimously.

Ms. Christie informed the Board Mr. Neal would be required to complete 48 hours of continuing education in order to renew his license.

Antonio Rodriguez – EF2000586

Board requested staff continue this request to the March meeting in order to get detailed information on the license history and notify Mr. Rodriguez of the meeting.

MOTION: Mr. Tibbs made a motion to continue the request to the March meeting.
SECOND: Mr. Thomas.
Motion passed unanimously.

LEGISLATIVE REPORT

Nothing reported.

RULES REPORT – Clarence K. Tibbs

Ms. Loucks provided the Board with a copy of Governor Scott's Executive Order 11-01 suspending rulemaking.

MOTION: Mr. Sandefer made a motion that the Board suspend all rulemaking at this time.

SECOND: Mr. Giles.
Motion passed unanimously.

Ms. Loucks asked the Board to delegate to herself and staff the authority to review all of the Boards rules and suggest any that may be eliminated.

MOTION: Mr. Tibbs made a motion to delegate the review of rules for possible elimination to staff.

SECOND: Mr. Giles.
Motion passed unanimously.

Ms. Loucks asked the Board to withdraw rule 61G6-7.001, F.A.C. due to expiration.

MOTION: Mr. Tibbs made a motion to withdraw rule 61G6-7.001, F.A.C.

SECOND: Mr. Sandefer.
Motion passed unanimously.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

No report given.

PROBATION COMMITTEE REPORT

MOTION: Mr. Thomas made a motion to accept the probation reports of Saverio Cerra & Larry Evers.

SECOND: Mr. Bramlett.
Motion passed unanimously.

UNLICENSED ACTIVITY (ULA) REPORT – Paul Sandefer

No report given.

EXAMINATION REPORT – Kenneth Hoffmann

No report given.

ENDORSEMENT REPORT

MOTION: Mr. Tibbs made a motion to update the matrix to show Ohio is not substantially similar since the scope of their license does not include alarms.

SECOND: Mr. Bramlett.
Motion passed unanimously.

RATIFICATION OF APPLICATIONS

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

MOTION: Mr. Tibbs made a motion to accept the lists as presented, adding James Douglas as approved for inactive status and Kent Crook added as approved.

SECOND: Mr. Bramlett.
Motion passed unanimously.

See Exhibits A & B.

APPROVAL OF MINUTES

MOTION: Mr. Sandefer made a motion to approve the minutes from November 2010.

SECOND: Mr. Bramlett.

Motion passed unanimously.

OLD BUSINESS/ NEW BUSINESS

Ms. Christie requested the Board delegate authority to the Board Office to establish payment plans for disciplinary cases for up to one year after payment is due if the respondent requests it.

MOTION: Mr. Thomas made a motion to delegate authority to Board staff to set up payment plans for up to 1 year after payment is due.

SECOND: Mr. Sandefer.

Motion passed unanimously.

Ms. Christie asked the Board to consider allowing additional business applications where the licensee owns more than 51% of the company to be processed by staff without requiring Board review. The Board asked staff to add a question to the form regarding percentage of ownership so they could see how many applications may be affected and they will discuss it again in the future. No changes will be made to the process at this time.

PROSECUTING ATTORNEY'S REPORT – LeChea Parson, Esq., Assistant General Counsel

Ms. Parson 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 January 21, 2011.

- 12 cases assigned to Legal after investigation
- 21 cases set for Probable Cause presentation
- 18 set for Board presentation
- 0 cases to DOAH
- 0 cases awaiting service of AC
- 0 cases ready for default
- 6 cases requested formal hearings
- 1 cases in settlement negotiation
- 3 cases awaiting reconsideration

MOTION: Mr. Tibbs made a motion to continue prosecution of the year old cases.

SECOND: Mr. Thomas.

Motion passed unanimously.

BOARD COUNSEL'S REPORT – Deborah Loucks, Esq., Assistant Attorney General

No report given.

PROBABLE CAUSE PANEL PUBLIC CASES

R-1 Rodriguez, Osvaldo

Case # 2010-003334

MOTION: Mr. Thomas made a motion to close the case without further prosecution.

SECOND: Mr. Bramlett.

Motion passed unanimously.

R-2 Brunner, David P.

Case # 2010-025380

MOTION: Mr. Thomas made a motion to close the case without further prosecution.

SECOND: Mr. Bramlett.

Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT – Juanita Chastain

Ms. Chastain directed the Board's attention to the enforcement report and the proposed meeting dates which were provided for their information.

TRAINING

Ms. Chastain, Ms. Loucks and Ms. Parson conducted the new board member training. Mr. Tibbs provided the new members with information on reviewing initial license applications.

Ms. Christie distributed laptop computers to the members and conducted training on the paperless agenda.

CHAIRPERSON'S COMMENTS – Brian Flaherty

None.

Adjournment.