

**MINUTES FROM THE
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Residence Inn Amelia Island
2301 Sadler Road
Fernandina Beach, Florida 32034
January 18, 19 & 20, 2012**

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

**PLEDGE OF ALLEGIANCE
INVOCATION**

ROLL CALL

Members Present

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

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 – Statewide Reporting (904) 353-7706

Approval of the Agenda

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

SECOND: Mr. Smith.

Motion passed unanimously.

Disciplinary Cases – LeChea Parson, Assistant General Counsel

Daniel J. Baratta
d/b/a Dan-Bar, Inc.
License#: EC13001867
Case#: 2011-026646
Informal Hearing

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

Mr. Baratta was charged with violation of 489.533(1)(s), F.S., contracting outside the scope of license.

MOTION: Mr. Flaherty made a motion to accept the findings of fact as those of the Board.

SECOND: Mr. Tibbs.

Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to reject the conclusions of law as stated in the administrative complaint and determine the findings of fact do not constitute a violation of the law as stated in the administrative complaint.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Ms. Loucks asked Mr. Baratta if he waived his right to attorneys' fees. Mr. Baratta stated he did.

MOTION: Mr. Sandefer made a motion to dismiss the administrative complaint.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Anthony Desalvo
d/b/a Direct Electric Contractor, Inc.
License#: ER13013159
Case#: 2011-004471
Waiver of Rights

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

Mr. Deslavo was charged with violation of 489.533(1)(m)4, F.S., committing financial mismanagement or misconduct..

MOTION: Mr. Flaherty made a motion the respondent was properly served and respondent waived his right to hearing.

SECOND: Mr. Botknecht.

Motion passed unanimously.

MOTION: Mr. Flaherty 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. Sandefer.

Motion passed unanimously.

MOTION: Mr. Smith made a motion to suspend the license for 5 years with concurrent 5 year probation and stay the suspension for 3 years, impose costs of \$210.84 (due within 60 days), restitution. Quarterly probation reports should include proof of restitution payments.

SECOND: Mr. Smith.

Motion passed unanimously.

David Aaron Johnson
d/b/a Big Johnson Electrical Services
License#: ER15481
Case#: 2011-18312
Waiver of Rights

Mr. Johnson was not present nor represented by counsel.

Mr. Johnson was charged with violation of 489.533(1)(m)4, F.S., committing financial mismanagement or misconduct.

MOTION: Mr. Flaherty made a motion the respondent was properly served and respondent waived his right to hearing.

SECOND: Mr. Sandefer.

Motion passed unanimously.

MOTION: Mr. Flaherty 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. Flaherty made a motion to impose a fine of \$1,000, costs of \$521.32 (2 years to pay), suspension until judgment is satisfied and fines and costs are paid in full.

SECOND: Mr. Smith.

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. Thomas 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 – Deborah Loucks, Assistant Attorney General

Aleksej Bereznoj Application Denial

Mr. Bereznoj was present and sworn in by the court reporter, he was represented by counsel William Furlow, Esq.

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Johnathan Bergren Application Denial

Mr. Bergren 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. Smith.

Motion passed unanimously.

Michael Dec Application Denial

Mr. Dec 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.

Jesse Elliott
Application Denial

Mr. Elliott was present and sworn in by the court reporter, he was represented by counsel Tim Atkinson, Esq.

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

SECOND: Mr. Smith.

Motion passed unanimously.

John Haid
Application Denial

Mr. Haid was present and sworn in by the court reporter, he was represented by counsel Tim Atkinson, Esq.

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

SECOND: Mr. Smith.

Motion passed unanimously.

Keith Hebert
Application Denial

Mr. Hebert was not present nor represented by counsel.

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

Jose Iglesias
Application Denial

Mr. Iglesias 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. Bramlett.

Motion passed unanimously.

George King
Application Denial

Mr. King 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.

**Home Depot-Ideal Industries
CE Course Denial**

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

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

SECOND: Mr. Botknecht.

Motion passed unanimously.

Reconsiderations, Deborah Loucks, Esq., Assistant Attorney General

Neil Daley

Application Denial - Requesting Withdrawal

Mr. Daley was not present nor represented by counsel.

MOTION: Mr. Flaherty made a motion to rescind the denial and vacate the notice of intent to deny.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Joseph Schmitt

Application Denial – Requesting Withdrawal

MOTION: Mr. Bramlett made a motion to rescind the denial and vacate the notice of intent to deny.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Doug Smith

Application Denial – Requesting Withdrawal

MOTION: Mr. Tibbs made a motion to rescind the denial and vacate the notice of intent to deny.

SECOND: Mr. Sandefer.

Motion passed unanimously.

LEGISLATIVE REPORT

Mr. Sandefer gave a brief synopsis of several bills related to the industry.

RULES REPORT – Clarence K. Tibbs

Ms. Loucks stated the changes to rules 61G6-5.003, 61G6-5.004 and 61G6-5.0010, F.A.C. will be adopted effective 2/9/2012.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

No Report.

PROBATION COMMITTEE REPORT

MOTION: Mr. Sandefer made a motion to accept the probation reports of Thomas Botlick, Frank Cardinale, Larry Evers, Roger Lehmkuhl & Fernando Loza.

SECOND: Mr. Tibbs.

Motion passed unanimously.

UNLICENSED ACTIVITY (ULA) REPORT – Paul Sandefer

Jerry Wilson, Director of the Division of Regulation, attended the meeting with Sandra Rentfrow and Erica Brown. They provided the Board with information on the Department's unlicensed activity enforcement and answered questions from the members.

EXAMINATION REPORT – Kenneth Hoffmann

No report.

ENDORSEMENT REPORT

No changes.

RATIFICATION OF APPLICATIONS

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

MOTION: Mr. Thomas made a motion to ratify the Continuing Education Committee and Initial Application Review results.

SECOND: Mr. Thomas.

Motion passed unanimously.

See Exhibits A, B & C.

APPROVAL OF MINUTES

MOTION: Mr. Tibbs made a motion to approve the September 2011 meeting minutes.

SECOND: Mr. Flaherty.

Motion passed unanimously.

OLD BUSINESS/ NEW BUSINESS

None

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 case information as of January 2012.

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

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

Ms. Loucks told the Board there are a few bills pending that would affect public meetings and how they are conducted and she would keep them informed.

PROBABLE CAUSE PANEL PUBLIC CASES

David Birth

2011-028341

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.

CHAIRPERSON'S COMMENTS – Kenneth Hoffmann

Mr. Hoffmann thanked the members and staff for their preparation.

Adjournment.