

FLORIDA ELECTRICAL CONTRACTORS' LICENSING BOARD

**THE RESIDENCE INN AMELIA ISLAND
2301 SADLER ROAD
FERNANDINA BEACH, FL 32034
(904) 277-2440**

The Board Meeting was called to order by Chairman Douglas Bassett on Thursday, January 23, 2020, at 8:42 a.m. and Friday, January 24, 2020, at 8:30 a.m.

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

Members Present

Douglas Bassett (Chairman)
Rafael Echarri (Vice-Chair)
Clarence Tibbs
David Botknecht
Benjamin Smith
Kathleen Krak
Eric Vilkoski
John (Jay) Cannava

Members Absent

None

Others Present

Ruthanne Christie, Executive Director
Stacey Buccieri, Government Analyst II
Deborah Loucks, Esq., Assistant Attorney General
Derrick McBurrows, Assistant General Counsel
Court Reporter – Phipps Reporting – 888-811-3408
Ariel Rodriguez – For compliance with an order of this Board.

DISCIPLINARY CASES

Edsel Hargis
Right Connection Electric, Inc.
License # EC 3102
Case # 2019-031764
Waiver

Mr. Hargis was not present nor represented by counsel.

Mr. Smith and Mr. Tibbs were recused.

Mr. Hargis was charged with a violation of 455.227(1)(q), F.S., failure to comply with a Final Order of the Board.

Mr. McBurrows stated he received a request to continue this case.

MOTION: Mr. Echarri made a motion to continue this case.

SECOND: Mr. Smith.

Motion passed unanimously.

Benjamin Mading
Adria Group, Inc.
License # ER 13013615
Case # 2019-010572
Waiver

Mr. Mading was not present nor represented by counsel.

Mr. Smith and Mr. Tibbs were recused.

Mr. Mading was charged with a violation of 489.533(1)(p), F.S., abandonment.

MOTION: Mr. Cannava made a motion that Respondent was properly served the administrative complaint and waived the right to a hearing.

SECOND: Mr. Vilkoski.

Motion passed unanimously.

MOTION: Mr. Botknecht made a motion to adopt the Findings of Fact as stated in the administrative complaint.

SECOND: Mr. Echarri.

Motion passed unanimously.

MOTION: Mr. Echarri made a motion to adopt Conclusions of Law and find that the conclusions of law constitute a violation of the practice act as alleged in the Administrative Complaint.

SECOND: Mr. Botknecht.

Motion passed unanimously.

MOTION: Mr. Botknecht made a motion to suspend Mr. Mading's license until he submits documentation to the Board that he has made restitution in the amount of

\$7,050.00 to the complainant in this case, the suspension shall be stayed for 30 days. In order to prevent the stay of suspension from being lifted Mr. Mading must provide documentation showing he has paid the restitution, and the fine of \$2,500 and costs of \$190.87. Mr. Mading's license will be placed on probation for 2 years.

SECOND: Mr. Echarri.

Motion passed unanimously.

David Zachry

Johnson Control Security Solutions, LLC

License # EF 478

Case # 2019-034844

Settlement Stipulation

Mr. Zachry was not present nor represented by counsel.

Mr. Smith and Mr. Tibbs were recused.

Mr. Zachry was charged with a violation of 489.533(1)(n), F.S., being disciplined by a municipality.

MOTION: Mr. Echarri made a motion to accept the settlement stipulation that provided Mr. Zachry shall Voluntarily Relinquish his license and if he attempts to reapply for licensure as an electrical contractor in the State of Florida, he will pay an administrative fine of \$2,500 and investigative costs of \$65.21, at an interest rate of 18% per annum, to the State of Florida for the violations alleged in the case listed above.

SECOND: Mr. Cannava.

Motion passed unanimously.

PETITION FOR DECLARATORY STATEMENT

Petition for Declaratory Statement from Fred Shuaibi – DS 2019 – 069

Mr. Shuaibi was not present nor represented by counsel.

Mr. Shuaibi asked for the Board's interpretation of Rule 61G6-7.001, F.A.C., and whether a sign specialty contractor:

- a. Can connect to an existing dedicated circuit near the pole sign (free standing panel)?
- b. Test that existing dedicated free standing panel and determine if it's adequate to energize the free standing sign? And
- c. Acquire a permit to stub out free standing sign conduit to that existing dedicated circuit or Brooks box?

MOTION: Mr. Tibbs made a motion to answer a. Yes, a sign contractor can connect to a nearby pole. However, the Board was unsure of what Petitioner was describing as "free standing" and so the Board cannot opine or provide a specific answer.

b. The Board was unable to answer this question because it was too vague.

c. The Board stated that permitting is up to the local jurisdiction.

SECOND: Mr. Smith.

Motion passed unanimously.

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

Glen Avery Carter Application Denial

Mr. Carter was not present nor represented by counsel.

MOTION: Mr. Botknecht made a motion to continue this application as requested.

SECOND: Mr. Smith.

Motion passed unanimously.

Ruben Del Cristo Application Denial

Mr. Del Cristo was present and sworn in by the court reporter with his Attorney Saul Perez.

During the hearing, the Applicant requested to withdraw the application.

MOTION: Mr. Botknecht made a motion to vacate the Notice of Intent to Deny and accept the withdrawal of the application.

SECOND: Mr. Smith.

Motion passed unanimously.

Kevin Halbert Application Denial

Mr. Halbert was not present nor represented by counsel.

MOTION: Mr. Botknecht made a motion to continue this application as more information is needed.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Matthew Jon Moore Application Denial

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

During the hearing, the Applicant requested to withdraw the application.

MOTION: Mr. Botknecht made a motion to vacate the Notice of Intent to Deny and accept the withdrawal of the application.

SECOND: Mr. Tibbs.

Motion passed unanimously.

RECONSIDERATIONS

Brian Michael Wallace Request to Remove Suspension

Mr. Wallace was not present nor represented by counsel.

MOTION: Mr. Botknecht made a motion to stay the suspension for 6 months and then place this back on the agenda with proof of payments to consider extending the stay of suspension further.

SECOND: Mr. Tibbs.

Motion passed 7 to 1. Mr. Echarri was opposed.

APPLICATION REVIEW

Additional Business Applications

See attachment 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. Echarri 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.

PROBATION COMMITTEE REPORT

Mr. Echarri presented his review of the probation reports and recommended the Board accept the probation reports for Kevin Brock, James Arnold Brown, Freddy Chirinos, Anthony Taylor Davis, Anthony Gladden, Julio Guerrero, Omar Hernandez, Randall Hess, John R. Johnson, Ramon Lorente, Leopoldina Nicola, Fernando Ortiz, Roberto D. Perez, William Reicherter, Mark Robbins, Nicholas Shullar, Randy J. Sjaardema, Richard Tobier, Paul A. Xiques and George Zagros.

MOTION: Mr. Tibbs made a motion to accept the probation reports as recommended by Mr. Echarri.

SECOND: Mr. Cannava.
Motion passed unanimously

LEGISLATIVE REPORT

Ms. Christie gave the Board an update of the bills and changes before the Legislature at this time.

Charles Michael Holtz addressed the Board with his concerns about possible changes to requirements of Continuing Education.

RULES REPORT

REVISED LANGUAGE FOR 61G6 – 6.017, F.A.C.

The Board reviewed the draft language for 61G6-6.017, F.A.C.

After discussion the following motions were made:

MOTION: Mr. Botknecht made a motion to approve the draft language and have Ms. Loucks continue with the rule making process.

SECOND: Mr. Echarri.
Motion passed unanimously.

MOTION: Mr. Tibbs made a motion there was no adverse financial impact in excess of \$200,000 in one year or \$500,000 over five years and no Statement of Estimated Regulatory Costs was required.

SECOND: Mr. Botknecht.
Motion passed unanimously.

The Board stated that this rule would not be a minor violation pursuant to Section 120.695, F.S.

The language approved was:

61G6-6.017 Examination Scores.

(1) through (2) No change.

(3) Any current active certified contractor under chapter 489 Part I, F.S., may use their Florida Construction Industry Licensing (CILB) Board business & finance exam scores in lieu of taking the Florida Electrical Contractors' Licensing Board business and finance portion of the exam, provided:

(a) The licensee is not under investigation or prosecution in any jurisdiction for an action that would constitute a violation of chapter 489, part II, F.S.; or if so, until such time as the investigation or prosecution is complete; and,

(b) The licensee has not been disciplined by the CILB, other than being issued a citation.

Rulemaking Authority 455.217(2) FS. Law Implemented 455.217(2), 489.511(1) FS. History—New 11-21-07, Amended 10-20-16.

FINANCIAL BUDGET LIAISON REPORT

There was no Financial Report.

UNLICENSED ACTIVITY (ULA) REPORT

Ms. Christie reviewed the ULA Report with the Board.

EXAMINATION REPORT

The Board reviewed the Examination Performance Summary for November 1 – December 31, 2019.

ENDORSEMENT REPORT

Alex Bosque with the Bureau of Education & Testing gave an update on the Two-Way Radio Communications Enhancement Systems Specialty Contractor Examination.

Mr. Bosque also reported on the NASCLA Examinations.

The Board reviewed the information and after discussion, the following motion was made:

Texas Master Electrician

MOTION: Mr. Tibbs made a motion to accept the Texas Master Electrician technical portion and stated the Florida business portion would still need to be taken and passed.

SECOND: Mr. Smith.

Motion passed unanimously.

NASCLA Electrical and Residential Electrical Contractor

The Board reviewed the information and after discussion, the following motion was made:

MOTION: Mr. Tibbs made a motion to continue this item and requested more information for the March agenda.

SECOND: Mr. Cannava.

Motion passed unanimously.

Updated Endorsement List

MOTION: Mr. Tibbs made a motion to accept the updated Endorsement list.

SECOND: Mr. Vilkoski.

Motion passed unanimously.

APPROVAL OF MINUTES

Draft November 2019 Meeting Minutes

Ms. Christie reported these minutes will be brought to the next meeting.

RATIFICATION OF APPLICATIONS

The ratification lists for the results of Continuing Education Courses, Grandfathering Committee and Initial Licensure Application Review. The lists will be attached to the minutes and incorporated by reference.

MOTION: Mr. Tibbs made a motion to approve the ratification lists.

SECOND: Mr. Cannava.

Motion passed unanimously.

PROSECUTING ATTORNEYS' REPORT

Mr. McBurrows directed the Board's attention to the details of the report. The report included case information for all open cases as of 1/21/20.

MOTION: Mr. Tibbs made a motion to continue the process with cases over a year old.

SECOND: Mr. Echarri.

Motion passed unanimously.

BOARD COUNSEL'S REPORT

Ms. Louck's stated she had else nothing to report.

EXECUTIVE DIRECTOR'S REPORT

Ms. Christie directed the Board's attention to the Two Way Radio Communications Enhancement Systems updated scope of work, the compliance and enforcement report and the 2020 proposed meeting dates and locations.

OLD BUSINESS/NEW BUSINESS

There was no Old/New Business.

PUBLIC COMMENT

There were no public comments.

CHAIRPERSON'S COMMENTS

Mr. Bassett thanked everyone for their hard work in preparing for this meeting.

Mr. Bassett also reminded everyone that we will have 3 members not present at our March meeting and really need all others in attendance.

ADJOURNMENT - Thursday, January 23, 2020, at 3:59 p.m. and Friday, January 24, 2020, at 10:22 a.m.