

**MINUTES FROM THE
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Hilton Cocoa Beach Oceanfront
1550 North Atlantic Ave.
Cocoa Beach, FL 32931-3268
March 14, 15 & 16, 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
David Botknecht
Benjamin Smith
Timothy Chinchor

Members Absent

Robert Bramlett - 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 – American Court Reporting, 407-896-1813

Approval of the Agenda

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

SECOND: Mr. Thomas.

Motion passed unanimously.

Disciplinary Cases – LeChea Parson, Assistant General Counsel

Serota, Bobby
Academy Electric, Inc.
License #: EC 0001485
Case #: 2008-039873
Recommended Order

Mr. Serota was not present nor represented by counsel.

Mr. Serota was charged with violation of 489.533(1)(l), F.S., acting in a name other than licensed & 489.533(1)(p), F.S. abandonment.

Ms. Loucks read instructions for handling recommended orders to the Board.

MOTION: Mr. Sandefer made a motion to grant the Petitioners' motion for extension of time to file exceptions.

SECOND: Mr. Chinchor.
Motion passed unanimously.

MOTION: Mr. Hoffmann made a motion to accept the exceptions.

SECOND: Mr. Sandefer.
Motion passed unanimously.

MOTION: Mr. Smith made a motion to accept the findings of fact as set forth in the recommended order.

SECOND: Mr. Chinchor.
Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to accept the conclusions of law as stated in the recommended order.

SECOND: Mr. Smith.
Motion passed unanimously.

MOTION: Mr. Sandefer made a motion to impose a fine of \$500.00 with 30 days to pay.

SECOND: Mr. Chinchor.
Motion passed unanimously.

Simeone, Ken
Hi Tech Systesms, Inc.
License #: ER0012196
Case #: 2011-028476
Informal Hearing

Mr. Simeone was not present nor represented by counsel.

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

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. Flaherty.

Motion passed unanimously.

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

MOTION: Mr. Chinchor made a motion to impose a fine of \$1,000.00 costs of \$318.77 both due within 90 days and 1 year probation to be served consecutive to probation imposed in prior case.

SECOND: Mr. Sandefer.

Motion passed unanimously.

Velez, Wilberto

Velez Electric

License #: EC13001814

Case #: 2011-033442

Settlement Stipulation

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

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

MOTION: Mr. Chinchor made a motion to accept the stipulation imposing a fine of \$1,500.00 (90 days to pay), costs of \$288.62 (30 days to pay), probation until judgment is satisfied and fines and costs are paid in full.

SECOND: Mr. Smith.

Motion passed unanimously.

Wright, James

Wright Electrical Services

License #: EC13003988

Case #: 2011-025940

Settlement Stipulation

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

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

MOTION: Mr. Chinchor made a motion to accept the stipulation imposing a fine of \$1,000.00 (90 days to pay), costs of \$237.31 (30 days to pay), probation until judgment is satisfied and fines and costs are paid in full.

SECOND: Mr. Sandefer.
Motion passed unanimously.

Lopez De Mesa, Sergio
Saw Technologies
License #: EC2002
Case #: 2011-043203
Waiver of Rights

Mr. Lopez De Mesa was not present nor represented by counsel.

Mr. Lopez De Mesa was charged with violation of 489.533(1)(p), F.S., abandonment.

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. Sandefer.
Motion passed unanimously.

MOTION: Mr. Flaherty made a motion to impose a fine of \$10,000.00, costs of \$553.59 and revocation of licensure.

SECOND: Mr. Smith.
Motion passed unanimously.

Gonzalez, Juan
Watts Electric, Inc.
License #: ER 10212
Case #: 2011-018461
Waiver of Rights

Mr. Gonzalez was not present nor represented by counsel.

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

The Board reconsidered the original stipulation in the case.

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. Botknecht.
Motion passed unanimously.

MOTION: Mr. Flaherty made a motion to impose a fine of \$1,500.00, costs of \$150.27 and 1 year probation during which licensee must satisfy civil judgment.

SECOND: Mr. Botknecht.
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**

Paul Avila **Application Denial**

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

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

SECOND: Mr. Smith.

Motion passed 6 in favor 2 opposed (Tibbs & Flaherty).

**Ernest Alma
Application Denial**

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

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

**Angel Alonso
Application Denial**

Mr. Alonso 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.

**Joseph Armonda
Application Denial**

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

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

SECOND: Mr. Smith.

Motion passed unanimously.

**Joseph Furr
Application Denial**

Mr. Furr 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. Botknecht.

Motion passed unanimously.

**Robert McCormick
Application Denial**

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

MOTION: Mr. Hoffmann made a motion to uphold the denial.

SECOND: Mr. Tibbs.

Motion passed 5 in favor, 3 opposed (Thomas, Chinchor and Botknecht).

**Charles Thoma
Application Denial**

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

MOTION: Mr. Tibbs made a motion to uphold the denial.

SECOND: Mr. Flaherty.

Motion passed unanimously.

Request for Continuing Education Credit for Higher Education for Reactivation, Deborah Loucks, Esq., Assistant Attorney General

Boni Canovas EF0001023

Mr. Canovas was not present nor represented by counsel.

MOTION: Mr. Tibbs made a motion to grant 24 hours of continuing education credit for the 48 hours of higher education Mr. Canovas submitted.

SECOND: Mr. Smith.

Motion passed unanimously.

LEGISLATIVE REPORT

Ms. Chastain informed the Board she would provide them with details of implementation for the statutory changes at the May meeting.

RULES REPORT – Clarence K. Tibbs

MOTION: Mr. Hoffmann made a motion to have Ms. Loucks and Ms. Parson revise the disciplinary guidelines and bring them to the Board for review.

SECOND: Mr. Tibbs.

Motion passed unanimously.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

MOTION: Mr. Flaherty made a motion to approve the financial report.

SECOND: Mr. Tibbs.

Motion passed unanimously.

PROBATION COMMITTEE REPORT

MOTION: Mr. Hoffmann made a motion to accept the probation reports of Leonard Handsel.

SECOND: Mr. Tibbs.

Motion passed unanimously.

UNLICENSED ACTIVITY (ULA) REPORT – Paul Sandefer

No report.

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 (noting Scoville as approved).

SECOND: Mr. Tibbs.

Motion passed unanimously.

See Exhibits A, B & C.

APPROVAL OF MINUTES

MOTION: Mr. Tibbs made a motion to approve the November 2012 meeting minutes with correction.

SECOND: Mr. Flaherty.

Motion passed unanimously.

MOTION: Mr. Thomas made a motion to approve the December 2011 PCP Public cases meeting minutes.

SECOND: Mr. Chinchor.

Motion passed unanimously.

MOTION: Mr. Thomas made a motion to approve the January 2012 meeting minutes with correction.

SECOND: Mr. Tibbs.

Motion passed unanimously.

OLD BUSINESS/ NEW BUSINESS

Mr. Chinchor asked for a report of licensees by category.

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 February 2012.

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

SECOND: Mr. Thomas.

Motion passed unanimously.

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

Ms. Loucks asked the Board's permission to continue representing the Board's interest related to a pending Declaratory Statement before the Department.

The Board approved her request.

PROBABLE CAUSE PANEL PUBLIC CASES

None

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 and indicated the November 2012 meeting would be in Panama City.

CHAIRPERSON'S COMMENTS – Kenneth Hoffmann

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

Adjournment.