

**MINUTES FROM THE
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING
Holiday Inn Resort Orlando – The Castle
8629 International Dr.
Orlando, FL 32819
Ph: 1-877-317-5753
May 18, 19 & 20, 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 (present until 2:00 p.m. on 3/17)
Bradley Giles (arrived just after roll call)
Benjamin Smith
Timothy Chinchor
David Botknecht

Members Absent

None

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. Sandefer made a motion to approve the agenda.

SECOND: Mr. Thomas.

Motion passed unanimously.

Disciplinary Cases – LeChea Parson, Assistant General Counsel

Bellefeuille, Ray V.
Demand Electric
ER 0014760
2010-047973
Recused: Thomas, Bramlett, Tibbs

Mr. Bellefeuille was not present nor represented by counsel.

Mr. Bellefeuille was charged with a violation of 489.533(1)(m)4, F.S., failing to pay a civil judgment.

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

SECOND: Mr. Sandefer.
Motion passed unanimously.

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

SECOND: Mr. Hoffmann.
Motion passed unanimously.

MOTION: Mr. Giles made a motion to impose a fine of \$1,500, costs of \$195.05 to be paid within 2 years, probation until judgment is paid, maximum of 2 years, probation reports to include status of payments on judgment.

SECOND: Mr. Smith.
Motion passed unanimously.

Uffelman, Mark
Certified Technical Services Inc.
EC13003791
2009-049630
Recused: Thomas, Bramlett, Tibbs

Mr. Uffelman was not present, Timothy Johnson, owner of the business was there on his behalf.

Mr. Uffelman was charged with a violation of 489.533(1)(m)3, F.S., financial mismanagement and 489.533(1)(o), F.S. failing to comply with statutes and rules, specifically 489.522(1)(a), F.S. re: supervision by primary qualifier.

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

SECOND: Mr. Giles.

Motion passed unanimously.

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

SECOND: Mr. Hoffmann.

Motion passed unanimously.

MOTION: Mr. Hoffmann made a motion to impose a fine of \$2,500, costs of \$382.32 to be paid within 12 months and revocation of licensure.

SECOND: Mr. Chinchor.

Motion passed 6 in favor 1 opposed (Mr. Smith).

Minni, James

Minni Electric, Inc

ER13013607

2009-061008, 2009-058238, 2009-064901, 2009-065242

Recused: Bramlett & Tibbs

Mr. Minni was not present nor represented by counsel.

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

MOTION: Mr. Chinchor made a motion to reject the stipulation.

SECOND: Mr. Giles.

Motion passed unanimously.

MOTION: Mr. Giles made a motion to make a counter offer of \$4,000 fine, costs of \$533.39 and suspension until fines and costs are paid.

SECOND: Mr. Botknecht.

Motion passed unanimously.

Ramsey, Timothy

Coastal Electric, Inc

EC13001522

2010-054939

Recused: Thomas, Bramlett, Tibbs

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

Mr. Ramsey was charged with a violation of 489.533(1)(r), F.S., failure to obtain required permit or inspections, 489.533(1)(s), F.S., practicing beyond scope of license and 489.533(1)(o), F.S. failing to comply with statutes and rules, specifically 489.521(7)(b), F.S. re: license number not being on invoice for services.

MOTION: Mr. Botknecht made a motion to accept the stipulation imposing a fine of \$1,500, costs of \$286.69 and a reprimand.

SECOND: Mr. Sandefer.

Motion passed unanimously.

Benton, Walter
Lightning Electric of North Florida, Inc.
ER 10673
2010-031514
Recused: Thomas, Bramlett, Tibbs

Mr. Benton was not present nor represented by counsel.

Mr. Benton was charged with a violation of 489.533(1)(m)4, F.S., failing to pay a civil judgment.

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

SECOND: Mr. Giles.

Motion passed unanimously.

MOTION: Mr. Botknecht made a motion 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 \$1,500 and costs of \$283.70 (30 days to pay) and suspension until he satisfies judgment and appears before the board.

SECOND: Mr. Smith.

Motion passed unanimously.

Ford, Bill
Ford Electric
ER11422
2010-007277
Recused: Thomas, Bramlett, Tibbs

Mr. Ford was not present nor represented by counsel.

Mr. Ford was charged with a violation of 489.533(1)(m)4, F.S., failing to pay a civil judgment.

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

SECOND: Mr. Hoffmann.

Motion passed unanimously.

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

SECOND: Mr. Botknecht.

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 \$1,500 and costs of \$673.95 (30 days to pay) and suspension until he satisfies judgment and appears before the board.

SECOND: Mr. Botknecht.

Motion passed unanimously.

Miller, Carl

Lee County Electric, LLC

EC 13002409

2010-022137

Recused: Thomas, Bramlett, Tibbs

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

Mr. Miller was charged with a violation of 489.533(1)(j), F.S., aiding and abetting an unlicensed contractor and 489.533(1)(o), F.S. failure to comply with provisions of 489 Part II, F.S.

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

SECOND: Mr. Giles.

Motion passed unanimously.

MOTION: Mr. Hoffmann made a motion to dismiss the case.

SECOND: Mr. Chinchor.

Motion passed unanimously.

Smith, Howard

HBS Electric LLC

ER 0013770

2011-002472

Recused: Thomas, Bramlett, Tibbs

Mr. Smith was not present nor represented by counsel.

Mr. Smith was charged with a violation of 455.227(1)(q), F.S., failing to comply with an order of the Board.

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

SECOND: Mr. Giles.

Motion passed unanimously.

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

SECOND: Mr. Hoffmann.

Motion passed unanimously.

MOTION: Mr. Botknecht 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. Sandefer made a motion to impose a fine of \$2,500 and costs of \$105.11 (30 days to pay) and revocation of licensure.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

Douglas Gordon Gunness
Gunness Electrical Contracting Services
ER 13013105
2010-051962
Recused: Thomas, Bramlett, Tibbs

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

Mr. Gunness was charged with a violation of 489.533(1)(m)4, F.S., failing to pay a civil judgment.

MOTION: Mr. Sandefer made a motion to accept the stipulation imposing fines of \$1,000, costs of \$191.88 and probation until judgment is paid.

SECOND: Mr. Chinchor.

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.

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

John Bluff

Application Denial

Mr. Bluff was present with counsel Drew Winters, Esq..

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Albert Brown

Application Denial

Mr. Brown 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. Tibbs.

Motion passed 9 in favor, 1 opposed (Mr. Giles).

William Buckles

Application Denial

Mr. Buckles was not present nor represented by counsel.

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

SECOND: Mr. Botknecht.

Motion passed unanimously.

Eric Kangas

Application Denial

Mr. Kangas was present with associate Dan Cunningham, both were 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.

Shawn Klepin
Application Denial

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

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

SECOND: Mr. Bramlett.
Motion passed unanimously.

David Marks
Application Denial

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

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

SECOND: Mr. Chinchor.
Motion passed 7 in favor, 3 opposed (Tibbs, Sandefer, Hoffmann).

Mr. Marks asked the Board to reconsider his application and allow him to downgrade to the lighting maintenance specialty.

MOTION: Mr. Bramlett made a motion to reverse the denial and approve the application for downgrade to lighting maintenance specialty.

SECOND: Mr. Tibbs.
Motion passed unanimously.

Jefferson Morgado
Application Denial

Mr. Morgado was present with counsel Drew Winters, Esq.

MOTION: Mr. Tibbs made a motion to reverse the denial and approve the application contingent on W2's from IES for 2007, 2008 & 2009.

SECOND: Mr. Smith.
Motion passed unanimously.

Ryan Lee Pickett
Application Denial

Mr. Pickett 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.

Luis Quintana
Application Denial

Mr. Quintana 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. Chinchor.

Motion passed unanimously.

Russell Smith
Application Denial

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

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

SECOND: Mr. Sandefer.

Motion passed unanimously.

Douglas Wansor
Application Denial

Mr. Wansor 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.

Petitions for Variance and Waiver, Deborah Loucks, Esq., Assistant Attorney General

William Doke RE: Rule 61G6-6.017

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

MOTION: Mr. Sandefer made a motion to grant the variance and waiver.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Matthew F. Hennessy RE: Rule 61G6-5.002

Mr. Hennessy was not present nor represented by counsel.

MOTION: Mr. Tibbs made a motion to grant the variance and waiver.

SECOND: Mr. Sandefer.

Motion passed unanimously.

Jason Meyers RE: Rule 61G6-6.017

Mr. Myers was not present nor represented by counsel.

MOTION: Mr. Bramlett made a motion to deny the variance and waiver as it was not necessary, Mr. Meyers application was complete before his exam scores expired.

SECOND: Mr. Tibbs.
Motion passed unanimously.

Rene Suarez RE: Rule 61G6-6.017

Request was pulled from the agenda, it was considered at the March 2011 meeting.

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

Michael Crimmins – ES12000464

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

MOTION: Mr. Tibbs made a motion to reinstate the license to inactive status.

SECOND: Mr. Bramlett.
Motion passed unanimously.

Kenneth French – EC0001252

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

MOTION: Mr. Sandefer made a motion to reinstate the license to inactive status.

SECOND: Mr. Bramlett.
Motion passed unanimously.

LEGISLATIVE REPORT

Mr. Hoffmann expressed concern about HB1195 which deals with NFPA codes and fire systems in condominiums. He stated it had failed in the House.

Mr. Sandefer gave a legislative summary of the session for bills related to the industry.

RULES REPORT – Clarence K. Tibbs

Ms. Loucks summarized Executive Order 11-72 and informed the Board that OFARR approved the Board's pending rules for promulgation.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

Ms. Chastain directed the Board's attention to the financial reports for the operating and unlicensed activity accounts dated 3/31/2011.

PROBATION COMMITTEE REPORT

MOTION: Mr. Sandefer made a motion to accept the probation reports of Larry Evers and Fernando Loza.

SECOND: Mr. Tibbs.
Motion passed unanimously.

UNLICENSED ACTIVITY (ULA) REPORT – Paul Sandefer

No report given.

EXAMINATION REPORT – Kenneth Hoffmann

The Board was read a letter from Robert Stimpson regarding the Alarm 1 technical exam. The Board determined no action was necessary.

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. Hoffmann made a motion to accept the lists as presented.

SECOND: Mr. Tibbs.

Motion passed unanimously.

See Exhibits A, B & C.

APPROVAL OF MINUTES

MOTION: Mr. Thomas made a motion to approve the minutes from March 2011.

SECOND: Mr. Bramlett.

Motion passed unanimously.

OLD BUSINESS/ NEW BUSINESS

The Board was presented with a letter from Ramon Flores and an email from Michael Hinson, no action was taken.

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 March 14, 2011.

- 7 cases assigned to legal after investigation
- 19 cases set for probable cause presentation
- 13 cases set for board presentation
- 5 cases administrative complaints filed
- 4 case ready for default
- 3 case required formal hearing
- 3 cases in settlement negotiation
- 0 cases awaiting reconsideration
- 2 case sent for supplemental investigation

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BOARD COUNSEL'S REPORT – Deborah Loucks, Esq., Assistant Attorney General
No report given.

PROBABLE CAUSE PANEL PUBLIC CASES

Robert D. Bryan
ER0015414
Case # 2010-038570

MOTION: Mr. Thomas made a motion to close the case with no 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 – Brian Flaherty

None.

Adjournment.