

## FLORIDA ELECTRICAL CONTRACTORS' LICENSING BOARD

THE SHORES RESORT & SPA  
2637 SOUTH ATLANTIC AVENUE  
DAYTONA BEACH SHORES, FL 32811

MAY 17 - 19, 2017

The Board Meeting was called to order by Chairman David Botknecht on Thursday, May 18, 2017, at 8:30 a.m. and Friday May 19, 2017, at 8:30 a.m.

### PLEDGE OF ALLEGIANCE

### INVOCATION

### ROLL CALL

#### Members Present

David Botknecht (Chairman)  
Clarence Tibbs (Vice-Chairman)  
Benjamin Smith – (May 17 & 18, 2017)  
Robert Bramlett  
Brian Flaherty  
Rafael Echarri  
John (Jay) Cannava  
Douglas Bassett  
Eric Vilkoski

#### Members Absent

Kathleen Krak (Excused)(May 18 & 19, 2017)  
Benjamin Smith (Excused) (May 19<sup>th</sup> Only)

#### Others Present

Ruthanne Christie, Executive Director  
Stacey Buccieri, Government Analyst II  
Deborah Loucks, Esq., Assistant Attorney General  
Clayton Osteen, Esq., Assistant General Counsel  
Court Reporter – Volusia Reporting Company – (386) 255-2150

### APPROVAL OF THE AGENDA

**MOTION:** Mr. Tibbs made a motion to approve the agenda.

**SECOND:** Mr. Smith.

## DISCIPLINARY CASES

Hector A. Arzola  
AP Power Electric Corp.  
ER13014434  
Case # 2016-022866  
Informal Hearing

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

Mr. Smith and Mr. Flaherty were recused.

Mr. Arzola was charged with a violation of 455.533(1)(m)4., F.S., Failure to satisfy final judgment.

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

**SECOND:** Mr. Bassett.  
Motion passed unanimously.

**MOTION:** Mr. Botknecht made a motion to adopt the 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. Cannava.  
Motion passed unanimously.

**MOTION:** Mr. Tibbs made a motion to impose an administrative fine of \$1,500.00 and costs of \$219.34 to be paid within 90 days. Mr. Arzola must complete 2 hours of continuing education with an emphasis on laws and rules within 90 days.

**SECOND:** Mr. Bassett.  
Motion passed unanimously.

Steven R. Marshall  
Marshall Electrical Services, Inc.  
License #: ER 13013644  
Case #: 2016-017367  
Settlement Stipulation

Mr. Marshall was not present nor represented by counsel.

Mr. Tibbs and Mr. Flaherty were recused.

Mr. Marshall was charged with a violation of 489.533(1)(n), F.S., Disciplined by municipality or county.

**MOTION:** Mr. Bassett made a motion to accept the Settlement Stipulation as presented by the Prosecuting Attorney. This Settlement Stipulation provided that Mr. Marshall pay investigative costs in the amount of \$181.55, complete 2 hours of continuing education with an emphasis on laws and rules within 90 days and the license will also be placed on probation for 2 years.

**SECOND:** Mr. Cannava.  
Motion passed unanimously.

Robert Christian, Jr.  
License # ER 13705  
Case # 2016-003815  
Waiver

Mr. Christian was not present nor represented by counsel.

Mr. Smith and Mr. Flaherty were recused.

Mr. Christian was charged with a violation of 489.533(1)(n), F.S., Disciplined by municipality or county.

**MOTION:** Mr. Tibbs made a motion to deny Mr. Christian's request for a continuance.

**SECOND:** Mr. Bassett.  
Motion passed unanimously.

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

**SECOND:** Mr. Tibbs.  
Motion passed unanimously.

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

**SECOND:** Mr. Cannava.  
Motion passed unanimously.

**MOTION:** Mr. Tibbs 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. Bassett.  
Motion passed unanimously.

**MOTION:** Mr. Cannava made a motion to revoke Mr. Christian's license, to impose an administrative fine of \$2,500.00 and costs of \$150.674 to be paid within 30 days.

**SECOND:** Ms. Tibbs.  
Motion passed unanimously.

**RECOMMENDED ORDER, CLAYTON OSTEEN, OFFICE OF THE GENERAL COUNSEL**

Lenard Handsel  
Application # 78663

Mr. Handsel was not present nor represented by counsel.

**MOTION:** Mr. Flaherty made a motion to motion to accept the Findings of Fact as written in the Recommended Order.

**SECOND:** Mr. Tibbs  
Motion passed unanimously

**MOTION:** Mr. Flaherty made a motion to accept the Conclusions of Law as written in the Recommended Order.

**SECOND:** Mr. Cannava.  
Motion passed unanimously

**MOTION:** Mr. Flaherty made a motion to accept the ALJ's Recommended Order.

**SECOND:** Mr. Tibbs.  
Motion passed unanimously

## **HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACTS**

Melkon Babigian  
Application Denial

Mr. Babigian was present and represented by Attorney John Samaan.

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

**SECOND:** Mr. Bassett.  
Motion passed unanimously.

Emilio Delia  
Application Denial

Mr. Delia was not present nor represented by counsel.

**MOTION:** Mr. Tibbs made a motion to continue the application to the May meeting.

**SECOND:** Mr. Bassett.  
Motion passed unanimously.

Richard D. Faircloth  
Application Denial

Mr. Faircloth 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. Cannava.  
Motion passed unanimously.

Joseph Lafontaine  
Application Denial

Mr. Lafontaine was present and represented by Attorney John Samaan.

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

**SECOND:** Mr. Bassett.

Motion passed unanimously.

Thomas P. Seren  
Application Denial

Mr. Seren 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. Cannava.

Motion passed unanimously.

Ricardo Valencia  
Application Denial

Mr. Valencia was not present nor represented by counsel.

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

**SECOND:** Mr. Bassett.

Motion passed unanimously.

### **COMMITTEE REPORT**

**MOTION:** Mr. Flaherty made a motion to accept the probation reports of Santiago Arredondo, Philip Barr, Collin Battieste, Jay Berry, Luis Dominguez, David Emerson, Guy Fish, Edsel Hargis, Douglas Henderson, Joseph Herndon, Manuel Linares, Fernando Ortiz, James Parasco, Fausto Rodriguez, Shannon Smith, William Jeffrey Somers, Joshua Stanton, Gregory Stevenson, Michel Tejiero.

**SECOND:** Mr. Tibbs.

Motion passed unanimously.

### **LEGISLATIVE REPORT**

Ms. Christie reported HB 241 and HB 1021 were passed during the legislative session.

Ms. Christie also reported the CILB rule changes regarding pool contractors' scope of work has been adopted and is in effect.

## **RULES REPORT, DEBORAH LOUCKS, ESQ., ASSISTANT ATTORNEY GENERAL**

Ms. Loucks reported she has was still working on finding the best rule to add the draft rule language for the definition of commercial fire experience. Ms. Loucks will work with Ms. Christie to see if they can continue with this in the future.

## **FINANCIAL BUDGET LIAISON REPORT**

There was no financial report at this time.

## **UNLICENSED ACTIVITY (ULA) REPORT**

The Board reviewed the ULA report.

## **EXAMINATION REPORT**

The Board reviewed the Examination Performance Summary and the March and April 2017 performance summaries.

## **ENDORSEMENT REPORT**

- No Change

## **APPROVAL OF MINUTES**

Draft March 2017 Meeting Minutes

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

**SECOND:** Mr. Flaherty.

Motion passed unanimously.

## **RATIFICATION OF APPLICATIONS**

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

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

**SECOND:** Mr. Tibbs.

Motion passed unanimously

## **PROSECUTING ATTORNEYS' REPORT – CLAYTON OSTEEN, ASSISTANT GENERAL COUNSEL**

Mr. Osteen directed the Board's attention to the details of the report. The report included case information for all open cases as of 5/15/17.

## **BOARD COUNSEL'S REPORT – DEBORAH LOUCKS, ASSISTANT ATTORNEY GENERAL**

Ms. Loucks gave an update on the Anti-trust issue and the FTC's position.

## **EXECUTIVE DIRECTOR'S REPORT – RUTHANNE CHRISTIE**

Ms. Christie directed the Board's attention to the enforcement report and the future board meeting dates and locations.

Ms. Christie also stated that the Probable Cause Panel would begin to meet at every other meeting beginning in September.

## **OLD BUSINESS/NEW BUSINESS**

There was no Old/New Business at this time.

## **CHAIRPERSON'S COMMENTS – DAVID BOTKNECHT**

Mr. Botknecht thanked everyone for their hard work and wished all safe travels.

**ADJOURNMENT** – Wednesday, May 17, 2017 - 4:00 p.m. to 5:50 p.m.  
Thursday, May 18, 2017, at 4:48 p.m. and Friday May 19, 2017, at 9:30 a.m.