

**MINUTES FROM THE
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING**
[Hilton Tampa Airport Westshore](#)
2225 North Lois Avenue
Tampa, FL 33607
PH: 813-877-6688
July 21 & 22, 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
David Botknecht
Benjamin Smith
Timothy Chinchor
David Botknecht

Members Absent

Paul Sandefer - excused

Others Present

Juanita Chastain, Executive Director
Ruthanne Christie, Government Analyst II
Deborah Loucks, Esq., Assistant Attorney General
Elizabeth Henderson, Esq., Assistant General Counsel
Court Reporter – Argus Bay Park Reporting & Legal (813-831-4522)

Approval of the Agenda

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Disciplinary Cases – Elizabeth Henderson, Assistant General Counsel

Horton, Christopher
Powerhouse Electric Inc.
License #: ER15199
Case #: 2010-058960
Recused: Thomas, Bramlett, Tibbs

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

Mr. Horton 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. Flaherty.
Motion passed unanimously.

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

SECOND: Mr. Chinchor.
Motion passed unanimously.

MOTION: Mr. Hoffmann made a motion to impose a fine of \$50, costs of \$268.86 and suspension of license until judgment is paid.

SECOND: Mr. Smith.
Motion passed unanimously.

Oliver, Michael
Absolute Security, Inc.
License #: EC11001513
Case #: 2010-052797
Recused: Thomas, Bramlett, Tibbs

Mr. Oliver was not present nor represented by counsel. Respondent was required to attend meeting as a condition of the proposed stipulation.

MOTION: Mr. Hoffmann made a motion to continue the case to the next meeting.

SECOND: Mr. Botknecht.
Motion passed unanimously.

Briley, James
James Briley, Inc.
License #: ER4973
Case #: 2010-038525
Recused: Thomas, Bramlett, Tibbs

Mr. Briley was not present nor represented by counsel.

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

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

SECOND: Mr. Botknecht.

Motion passed unanimously.

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

SECOND: Mr. Botknecht.

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. Chinchor.

Motion passed unanimously.

MOTION: Mr. Hoffmann made a motion to impose a fine of \$5,000 and costs of \$137.35 and suspension until all outstanding fines & costs are paid.

SECOND: Mr. Botknecht

Motion passed unanimously.

Nicotra, Michael

Nikoteras Media Group

License #: EF20000597

Case #: 2010-020033

Recused: Thomas, Bramlett, Tibbs

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

Mr. Nicotra was charged with a violation of 489.533(1)(p), F.S., abandonment and 489.533(1)(m)2, F.S. committing financial mismanagement or misconduct.

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

SECOND: Mr. Botknecht.

Motion passed unanimously.

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

SECOND: Mr. Botknecht.

Motion passed unanimously.

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

SECOND: Mr. Hoffmann.
Motion passed unanimously.

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

SECOND: Mr. Hoffmann.
Motion passed unanimously.

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

SECOND: Mr. Flaherty.
Motion passed unanimously.

MOTION: Mr. Botknecht made a motion to impose a fine of \$1,500 (citing mitigating factor of existing payment plan) and costs of \$261.57 with 2 years to pay fines and costs and suspension of licensure for 2 years followed by probation until satisfaction of judgment.

SECOND: Mr. Botknecht
Motion passed unanimously.

Robinson, Jeff
License #: ER14371
Case #: 2010-035696
Recused: Thomas, Bramlett, Tibbs

Mr. Robinson was not present nor represented by counsel.

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

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

SECOND: Mr. Flaherty.
Motion passed unanimously.

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

SECOND: Mr. Flaherty.
Motion passed unanimously.

MOTION: Mr. Hoffmann 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. Hoffman made a motion to impose a fine of \$2,500 and costs of \$584.82 (90 days to pay) and revocation of licensure.

SECOND: Mr. Botknecht.

Motion passed unanimously.

Villar, Nathan
Empire Electrical Contracting
License #: EC13001227
Case #: 2010-047204
Recused: Thomas, Bramlett, Tibbs

Mr. Villar was not present nor represented by counsel.

Mr. Villar submitted a request for continuance.

MOTION: Mr. Hoffmann made a motion to grant the continuance.
SECOND: Mr. Botknecht.
Motion passed unanimously.

Villar, Nathan
Empire Electrical Contracting
License #: EC13001227
Case #: 2010-026581
Recused: Thomas, Bramlett, Tibbs

Mr. Villar was not present nor represented by counsel.

Mr. Villar submitted a request for continuance.

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

PETITIONS FOR DECLARATORY STATEMENT – Deborah Loucks, Assistant Attorney General

Michael Scantland - Re: Installation of Low Voltage Wiring for Telecommunications and Cable Companies as a sub contractor

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

Mr. Scantland verified he is not licensed by the Electrical Contractors' Licensing Board.

MOTION: Mr. Hoffmann made a motion to decline to respond to the request based on lack of standing and due to a pending federal lawsuit related to the issue.

SECOND: Mr. Botknecht.

Motion passed unanimously.

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

Edward Blake Application Denial

Mr. Blake 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.

Christopher Burney Application Denial

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

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Timothy Connoly

Application Denial

Mr. Connolly 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 DeConte
Application Denial**

Mr. DeConte 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. Thomas.

Motion passed unanimously.

**Joseph Lambert
Application Denial**

Mr. Lambert 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.

**John Mathers
Application Denial**

Mr. Mathers 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.

**Christopher Mitchell
Application Denial**

Mr. Mitchell 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.

Robert Reece

Application Denial

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

MOTION: Mr. Botknecht made a motion to reverse the denial and approve the application contingent on a passing business score.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Billy Turner

Application Denial

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

MOTION: Mr. Hoffmann made a motion to table the application until the next meeting for him to provide corrected financial statement, credit report and FEID # for the new business.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Janet Geismer - 14 hour Online FASA - Advanced Fire Alarm Systems Technology Course Denial

Ms. Geismer was present and sworn in by the court reporter.

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

SECOND: Mr. Bramlett.

Motion passed unanimously

Chadwell, Donald

Application Denial

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

MOTION: Mr. Tibbs made a motion to reverse the denial and approve the application contingent on proof he is a W2 employee.

SECOND: Mr. Botknecht.

Reconsiderations – Deborah Loucks, Assistant Attorney General

Janet Geismer – 7 hour Online FASA – Fire Alarm Systems Review

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

Ronald Rennhack Case 2008-018439 – Request to Vacate Final Order - improper service of final order.

MOTION: Mr. Hoffmann made a motion to vacate the final order.

SECOND: Mr. Tibbs.

Motion passed unanimously.

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

Jeffrey Zenoniani Re: 61G6-6.001(4), F.A.C.

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

MOTION: Mr. Tibbs made a motion to grant the variance and waiver if he applied for licensure within the next 2 years.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

LEGISLATIVE REPORT

None

RULES REPORT – Clarence K. Tibbs

Ms. Chastain asked the Board to consider repealing several rules that staff reviewed as part of the Governor's rule review due to them being either obsolete or substantially restating statute.

61G6-2.010, F.A.C.

MOTION: Mr. Tibbs made a motion to repeal the rule.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

61G6-5.0035, F.A.C.

MOTION: Mr. Tibbs made a motion to repeal the rule.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

61G6-5.009, F.A.C.

MOTION: Mr. Tibbs made a motion to repeal the rule.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

61G6-9.008, F.A.C.

MOTION: Mr. Hoffmann made a motion to repeal the rule.

SECOND: Mr. Tibbs.

Motion passed unanimously.

61G6-9.0105, F.A.C.

MOTION: Mr. Tibbs made a motion to repeal the rule.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

61G6-9.013, F.A.C.

MOTION: Mr. Hoffmann made a motion to repeal the rule.

SECOND: Mr. Tibbs.

Motion passed unanimously.

61G6-10.001, F.A.C.

MOTION: Mr. Tibbs made a motion to repeal the rule.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

61G6-12.004, F.A.C.

MOTION: Mr. Tibbs made a motion to repeal the rule.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs

None

PROBATION COMMITTEE REPORT

MOTION: Mr. Tibbs made a motion to accept the probation reports of Jerry Cavender.

SECOND: Mr. Hoffmann.

Motion passed unanimously.

UNLICENSED ACTIVITY (ULA) REPORT – Paul Sandefer

No report given.

EXAMINATION REPORT – Kenneth Hoffmann

The Board received a copy of the May 2011 computer based exam statistics.

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

SECOND: Mr. Hoffmann.

Motion passed unanimously.

See Exhibits A, B & C.

APPROVAL OF MINUTES

None

OLD BUSINESS/ NEW BUSINESS

None

PROSECUTING ATTORNEY'S REPORT – Elizabeth Henderson, Esq., Assistant General Counsel

Ms. Henderson directed the Board's attention to the details of the report which was distributed to the members. The report included case information as of July 19, 2011.

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

No report given.

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.

ELECTION OF OFFICERS

MOTION: Mr. Tibbs made a motion to nominate Mr. Hoffmann as Chairman and Mr. Thomas and Vice-Chairman.

SECOND: Mr. Botknecht.

Motion passed unanimously.

CHAIRPERSON'S COMMENTS – Brian Flaherty

None.

Adjournment.