

**Amended General Session Minutes
Electrical Contractors' Licensing Board
July 22, 2016**

FLORIDA ELECTRICAL CONTRACTORS' LICENSING BOARD

**The Hampton Inn & Suites
80 Beach Drive NE
St. Petersburg, FL 33701
(727) 892-9900**

JULY 20 – 22, 2016

The Board Meeting was called to order by Chairman Benjamin Smith at 8:30 a.m.

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

Members Present

Benjamin Smith (Chairman)
David Botknecht (Vice-Chairman)
Robert Bramlett
Brian Flaherty
John (Jay) Cannava
Rafael Echarri
Kathleen Krak
Clarence Tibbs
Douglas Bassett
Bruce Barr

Members Absent

Timothy Chinchor - Excused

Others Present

Ruthanne Christie, Executive Director
Stacey Buccieri, Government Analyst II
Deborah Loucks, Esq., Assistant Attorney General
Daniel Brackett, Esq., Assistant General Counsel
Court Reporter – Integra Reporting – 813-868-5130

APPROVAL OF THE AGENDA

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

SECOND: Mr. Botknecht.

Motion passed unanimously.

DISCIPLINARY CASES – DANIEL BRACKETT, ASSISTANT GENERAL COUNSEL

Ram Schratter
Moon Security System, Inc.
License #: EF 824
Case #: 2015-010692

Mr. Schratter's Attorney, Ramon de la Cabada, was present. Mr. Schratter was not present.

MOTION: Mr. Botknecht made a motion to hear this case without Mr. Schratter present.

SECOND: Mr. Smith.

Motion passed unanimously.

Mr. Schratter was charged with a violation of 489.533(1)(d), F.S., Being convicted of or entering a plea to a crime related to the practice.

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

SECOND: Mr. Bramlett.

Motion passed unanimously.

MOTION: Mr. Bramlett 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. Botknecht.

Motion passed unanimously.

MOTION: Mr. Bramlett made a motion to impose an administrative fine of \$1,000.00 and costs of \$182.43 to be paid within 180 days. Mr. Schratter must complete 2 hours of continuing education with emphasis on laws and rules within 1 year.

SECOND: Mr. Bassett.

Motion passed with a vote of 9 to 1. Mr. Cannava was opposed.

PETITION FOR VARIANCE OR WAIVER, DEBORAH LOUCKS, ESQ., ASSISTANT ATTORNEY GENERAL

Nathaniel Macksey – Rule 61G6-6.017, F.A.C.

Mr. Macksey was not present.

MOTION: Mr. Botkecht made a motion to grant the Petition for Waiver.

SECOND: Mr. Flaherty.

Motion passed unanimously.

RECONSIDERATIONS, DEBORAH LOUCKS, ESQ., ASSISTANT ATTORNEY GENERAL

**Louis George
Condition of Licensure**

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

MOTION: Mr. Botknecht made a motion to grant the request to modify the condition of licensure and remove the probation status from his license.

SECOND: Mr. Bassett.

Motion passed unanimously.

**Renald Paul
Final Order # 2012-033130**

Mr. Paul was not present.

MOTION: Mr. Botknecht made a motion to modify the Final Order and reduce the administrative fine to \$1,000 and allow him 6 months to pay.

SECOND: Mr. Flaherty.

Motion passed unanimously.

**Ronald Smith
Condition of Licensure**

Mr. Smith was not present.

MOTION: Mr. Bramlett made a motion to uphold the order as is.

SECOND: Mr. Flaherty.

Motion passed unanimously.

**Michel Tejeiro
Request to Remove Probation**

Mr. Tejeiro was not present.

MOTION: Mr. Echarri made a motion to deny the request to remove probation.

SECOND: Mr. Tibbs.

Motion passed unanimously.

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT, DEBORAH LOUCKS, ESQ., ASSISTANT ATTORNEY GENERAL

Nenad Albulov
Application Denial

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

MOTION: Mr. Botknechti made a motion to reverse the denial and approve the application contingent upon receipt of a new personal financial statement and with probation until collection accounts are settled.

SECOND: Mr. Flaherty.
Motion passed unanimously.

Ruben Celeiro
Application Denial

Mr. Celeiro was not present.

MOTION: Mr. Botknecht made a motion to grant the continuance as requested by the applicant.

SECOND: Mr. Flaherty.
Motion passed unanimously.

Russell Garwood
Application Denial

Mr. Garwood was not present.

MOTION: Mr. Flaherty made a motion to grant the continuance as requested by the applicant.

SECOND: Mr. Cannava.
Motion passed unanimously.

Omar Villar
Application Denial

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

MOTION: Mr. Botknecht made a motion to reverse the denial and approve the application contingent upon receipt of a new bank statement with \$10,000 cash in the account.

SECOND: Mr. Flaherty.
Motion passed unanimously.

CONTINUING EDUCATION COURSE APPLICATIONS

National Training School- BASA Online Training – 14 Hours and
National Training School - FASA Online Training – 14 Hours

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

MOTION: Mr. Botknecht made a motion to approve the applications.

SECOND: Mr. Bramlett.

Motion passed unanimously.

PROBATION COMMITTEE REPORT

Robert Wells

Ms. Christie stated Robert Wells was present and is required to appear and bring an annual background check as part of his probationary requirements. We did not receive the information in time to place on the agenda.

Mr. Wells was sworn in by the court reporter.

Mr. Wells stated he was charged with DUI and battery on a paramedic. These charges are pending and he wanted to make the Board aware of these charges.

No action was taken at this time since the charges are pending.

MOTION: Mr. Flaherty made a motion to accept the probation reports of Lee Abrams, Robert Bentz, Luis Dominguez, Robert Dyer, David Emerson, Guy Fish, Peter Goins, Johnny Gonzalez, Paul Halloran and Joseph Herndon.

SECOND: Mr. Bramlett.

Motion passed unanimously.

MOTION: Mr. Botknecht made a motion to accept the probation reports of Kevin Kelley, Richard Litland, Gary Maze, Stephen Meacham, Fausto Rodriguez, Shannon Smith, George Aaron Vurgason, William Somers and Lazaro Zuniga.

SECOND: Mr. Bramlett.

Motion passed unanimously.

LEGISLATIVE REPORT

There was no legislative report.

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

Ms. Loucks reported 61G6-8.001, F.A.C., was effective on 6/23/20016.

FINANCIAL BUDGET LIAISON REPORT

Ms. Christie stated the end of the year financials were not available at this time.

UNLICENSED ACTIVITY (ULA) REPORT

Mr. Brackett directed the attention of Board Members to the details of the report. The report included the information for the ULA cases as of June 2016.

EXAMINATION REPORT

The Board reviewed the Examination Performance Summary and the May and June examination reports.

ENDORSEMENT REPORT

- No Change

APPROVAL OF MINUTES

May 2016 Draft 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. Botknecht.

Motion passed unanimously.

ELECTION OF OFFICERS

Chair

MOTION: Mr. Flaherty made a motion to nominate Mr. Botknecht for Chair.

SECOND: Mr. Cannava.

Motion passed unanimously.

Vice-Chair

MOTION: Mr. Smith made a motion to nominate Mr. Tibbs for Vice -Chair.

SECOND: Mr. Flaherty.

Motion passed unanimously.

OLD BUSINESS/NEW BUSINESS

There was no old/new business at this time.

PROSECUTING ATTORNEYS' REPORT

Mr. Brackett directed the Board's attention to the details of the report. The report included case information for all open cases as of 7/19/16.

BOARD COUNSEL'S REPORT

Ms. Loucks asked the Board to review the following draft language for 61G6-6.017, F.A.C.:

61G6-6.017 Duration of Examination Scores.

(1) For the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of ~~three~~ ~~two~~ (32) years from the date of the examination.

(2) Any current active certified electrical, alarm or electrical specialty licensee, who is an applicant for a state certified electrical, alarm or electrical specialty license by examination in a different category, shall not be required to take the 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 Board, other than being issued a citation.

MOTION: Mr. Tibbs made a motion to approve the draft language of 61G6-6.017 F.A.C., and to have Ms. Loucks open the rule for development.

SECOND: Mr. Flaherty.

Motion passed unanimously.

MOTION: Mr. Flaherty 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. Bassett.

Motion passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

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

CHAIRPERSON'S COMMENTS – BENJAMIN SMITH

Mr. Smith reported himself and Ms. Christie would be attending the upcoming NASCLA meeting.

Mr. Smith stated thanked the Board for allowing him to serve as Chair for the past year.

ADJOURNMENT