

FLORIDA ELECTRICAL CONTRACTORS' LICENSING BOARD

The Westin Sarasota
100 Marina View Drive
Sarasota, FL 34236
(941) 217- 4786

The Board Meeting was called to order by Chairman David Botknecht on Thursday, July 19, 2018, at 8:30 a.m. and Friday, July 20, 2018, at 8:30 a.m.

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

Members Present

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

Members Absent

Eric Vilkoski (July 19th & 20th) (Excused)

Others Present

Ruthanne Christie, Executive Director
Stacey Buccieri, Government Analyst II
Deborah Loucks, Esq., Assistant Attorney General
Sally Raines, Assistant General Counsel
Court Reporter – Imperial Court Reporting – (941) 751-0605

DISCIPLINARY CASES
Michael Darryl Allen
Unity Enterprises Inc.
License # EC 13002712
Case # 2017-014355
Informal Hearing

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

Mr. Flaherty and Mr. Smith were recused.

Mr. Allen was charged with a violation of 489.510, F.S., failure to maintain workers' compensation coverage and 455.227(1)(k), F.S., failure to maintain a statutory or legal obligation.

MOTION: Mr. Botknecht made a motion to adopt Findings of Fact contained in Administrative Complaint.

SECOND: Mr. Bassett.
Motion passed unanimously.

MOTION: Mr. Botknecht 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. Tibbs.
Motion passed unanimously.

MOTION: Mr. Tibbs made a motion to impose a reprimand, pay costs of \$102.80 to be paid within 90 days and 2 hours of continuing education with an emphasis on laws and rules and 2 hours of continuing education in technical training to be completed within 90 days.

SECOND: Mr. Bassett.
Motion passed unanimously.

Emilio D'Elia
Emilo Electric Corporation
License # EC 13007058
Case # 2016-044939
Settlement Stipulation

Mr. D'Elia was present and sworn in by the court reporter with Attorney Jacqueline Feliciano.

Mr. Flaherty and Mr. Smith were recused.

Mr. D'Elia was charged with a violation of 489.533(1)(j), F.S., assisting unlicensed activity.

MOTION: Mr. Bassett made a motion to reject the Settlement Stipulation as presented by the Prosecuting Attorney.

SECOND: Ms. Krak.
Motion passed unanimously.

MOTION: Mr. Bassett made a motion to counter offer which provided that Mr. D'Elia's license be placed on probation for 2 years, pay an administrative fine of \$1,000 to be paid in 6 monthly payments, administrative costs of \$380.21 to be paid within 30 days and 2 technical hours of continuing education to be completed within 1 year.

SECOND: Mr. Echarri.
Motion passed unanimously.

Richard Peverill
License # EC 13002219
Case # 2017-039735
Waiver

Mr. Peverill was not present nor represented by counsel.

Mr. Flaherty and Mr. Smith were recused.

Mr. Valdes was charged with a violation of 489.533(1)(j), F.S., assisting unlicensed activity.

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. Bassett.
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. Botknecht.
Motion passed unanimously.

MOTION: Mr. Botknecht made a motion to suspend Mr. Peverill's license for 2 years. The suspension shall be stayed if he complies with all requirements imposed. Mr. Peverill must also pay an administrative fine of \$5,000, investigative costs of \$140.61 within 6 months and complete 2 hours of continuing education with an emphasis on laws and rules within 6 months.

SECOND: Mr. Bassett.
Motion passed unanimously.

MOTION FOR STAY

Tony Finno
Case # 2016-010632
EC 13002831

Mr. Finno was present and sworn in by the court reporter with Attorney Layla McDonald.

Mr. Flaherty and Mr. Smith were recused.

MOTION: Mr. Botknecht made a motion to deny the Motion for Stay.

SECOND: Mr. Echarri.

Motion passed unanimously.

RECONSIDERATIONS

Terry Strickland
Request to Withdraw Application

Mr. Strickland was not present nor represented by counsel.

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

SECOND: Mr. Cannava.

Motion passed unanimously

HEARINGS NOT INVOLVING DISPUTED ISSUES OF MATERIAL FACT

Antonio Acosta
Application Denial

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

MOTION: Mr. Botknecht made a motion to reverse the denial and approve the application with the condition he must attend a disciplinary hearing meeting within 1 year.

SECOND: Mr. Bassett.

Motion passed unanimously.

Woodman Alderman
Application Denial

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

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

SECOND: Mr. Tibbs.

Motion passed unanimously.

Miguel Brito
Application Denial

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

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

SECOND: Mr. Bassett.

Motion passed unanimously.

James Calder
Application Denial

Mr. Calder 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.

Jorge L. Hernandez
Application Denial

This application was pulled.

Juan Ramon Lopez, Jr.
Application Denial

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

MOTION: Mr. Flaherty made a motion to reverse the denial and approve the application with a stayed suspension and probation until the criminal judgment assessment has been paid. Mr. Lopez must submit quarterly probation reports including documentation of the payments made and appear annually before the Board.

SECOND: Mr. Tibbs.

Motion passed unanimously.

Andy Polanco
Application Denial

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

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

SECOND: Mr. Bassett.

Motion passed unanimously.

APPLICATION REVIEW

Additional Business Applications

See attachment 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. Bassett 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.

PROBATION COMMITTEE REPORT

MOTION: Mr. Flaherty made a motion to accept the probation reports of Joseph M. Brasher, Anthony Davis, Edsel Hargis, Ramon Lorente, Johan Ortiz, Todd Patterson, Michael Perry, Joseph T. Scaccio, Jr., Ram Schratter, Ken Trapasso.

SECOND: Mr. Tibbs.

Motion passed unanimously.

LEGISLATIVE REPORT

RULES REPORT

DISCUSSION OF 61G6-7.001, F.A.C., SPECIALTY ELECTRICAL CONTRACTORS

The Board discussed changing this rule to include a Bi-Directional Amplifier Installation Modifier and the qualifications required to obtain this modifier.

After discussion the Board directed Ms. Christie to research if she could find a common accrediting body for this type of work.

This item will also be placed on the September agenda for additional input.

FINANCIAL BUDGET LIAISON REPORT

Ms. Christie directed the Board to the financial statements.

UNLICENSED ACTIVITY (ULA) REPORT

There was no ULA report at this time.

Ms. Christie stated she would request someone from the South Florida Investigations Office attend the September meeting to report to the Board.

EXAMINATION REPORT

The Board reviewed the Examination Performance Summary and the May and June 2018 performance summaries.

ENDORSEMENT REPORT

No Change

APPROVAL OF MINUTES

Draft May 2018 Meeting Minutes

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

SECOND: Mr. Bassett.

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. Tibbs made a motion to approve the ratification list with the addition of Samuel Simeon's application number 82764 as approved.

SECOND: Mr. Flaherty.

Motion passed unanimously.

PROSECUTING ATTORNEYS' REPORT

Ms. Raines directed the Board's attention to the details of the report. The report included case information for all open cases as of 7/16/18.

MOTION: Mr. Botknecht made a motion to continue the process with cases over a year old.

SECOND: Mr. Flaherty.

Motion passed unanimously.

BOARD COUNSEL'S REPORT

Ms. Loucks had nothing to report at this time.

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.

OLD BUSINESS/NEW BUSINESS

Bob Neely, Executive Director of the Alarm Association of Florida, Inc., demonstrated to the Board how his online FASA/BASA cards work.

ELECTION OF OFFICERS

MOTION: Mr. Botknecht made a motion to nominate Mr. Bassett as Chairman and Mr. Echarri as Vice-Chairman.

SECOND: Mr. Tibbs.

Motion passed unanimously.

CHAIRPERSON'S COMMENTS

Mr. Botknecht stated it has been a honor and a privilege to serve as the Board Chair for the past 2 years.

ADJOURNMENT - Thursday, July19, 2018, at 5:05 p.m. and Friday, May 18, 2018, at 10:38 a.m.