

**MINUTES FROM THE  
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING  
Hilton University Florida Conference Center Gainesville  
1714 S.W. 34th Street  
Gainesville, FL 32607  
November 16, 17 & 18, 2011**

The Board meeting was called to order by Chairman Kenneth Hoffmann at 8:30 a.m.

**PLEDGE OF ALLEGIANCE  
INVOCATION**

**ROLL CALL**

**Members Present**

Kenneth Hoffmann (Chairman)  
Noel Thomas (Vice-Chairman)  
Brian Flaherty  
Paul Sandefer  
Robert Bramlett -11/16/2011 & 11/17/2011  
David Botknecht  
Benjamin Smith  
Timothy Chinchor  
David Botknecht

**Members Absent**

Clarence K. Tibbs - Excused  
Robert Bramlett - 11/18/2011 - Excused

**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 – Third Circuit Reporters (386) 754-2482

**Approval of the Agenda**

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

**SECOND:** Mr. Botknecht.

Motion passed unanimously.

## **Disciplinary Cases – LeChea Parson, Assistant General Counsel**

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

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

Mr. Oliver was charged with violation of 489.533(1)(o), F.S., failing to comply with 489.518(3), F.S. by employing someone as an alarm system agent without performing criminal background check and required training.

The Board reconsidered the original stipulation in the case.

**MOTION:** Mr. Sandefer made a motion to accept the stipulation imposing a fine of \$1,000 and costs of \$277.44 to be paid within 30 days.

**SECOND:** Mr. Botknecht.

Motion passed unanimously.

**Salas, Luis**  
**d/b/a Fiallo MJ Electric Corp.**  
**License #: EC3163**  
**Case #: 2009-065537**  
**Settlement Stipulation**  
**Recused: Tibbs, Bramlett & Thomas**

Mr. Salas was not present nor represented by counsel.

Mr. Salas was charged with violations of 489.533(1)(e), F.S., filing a false report, 489.533(1)(f), F.S. committing fraud deceit or negligence and 489.533(1)(i), F.S. violating applicable building codes or laws of the state or municipality.

Ms. Parson handed out a new stipulation to the members.

**MOTION:** Mr. Flaherty made a motion to reject the stipulation.

**SECOND:** Mr. Sandefer.

Motion passed unanimously.

**MOTION:** Mr. Flaherty made a motion to make a counter offer impose a fine of \$5,000, costs of \$385.66 with 120 days to pay and 1 year probation.

**SECOND:** Mr. Sandefer.

Motion passed unanimously.

**Lindsey, Charles**

**Charles E. Lindsey, LLC**

**License #: EC13002135**

**Case #: 2011-009509**

**Motion for Waiver of Rights**

**Recused: Tibbs, Bramlett & Thomas**

Mr. Lindsey was not present nor represented by counsel.

Mr. Lindsey was charged with violation of 489.533(1)(m)4, F.S., committing financial mismanagement or misconduct.

**MOTION:** Mr. Sandefer made a motion the respondent was properly served and respondent waived his right to hearing.

**SECOND:** Mr. Flaherty.

Motion passed unanimously.

**MOTION:** Mr. Flaherty 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. Flaherty.

Motion passed unanimously.

**MOTION:** Mr. Flaherty made a motion to impose a fine of \$2,000, costs of \$218.05 (2 years to pay), restitution and suspension until judgment is satisfied, suspension will be stayed for 2 years with concurrent probation and board will retain jurisdiction.

**SECOND:** Mr. Smith.

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. Thomas 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 Variance or Waiver – Deborah Loucks, Assistant Attorney General**

Roger Diaz - Re: Rule 61G6-6.017 Duration of Validity of Exam Scores

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

**MOTION:** Mr. Thomas made a motion to grant the waiver.

**SECOND:** Mr. Botknecht.

Motion passed unanimously.

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

#### **Joseph Armonda Application Denial**

Mr. Armonda was not present, he requested a continuance.

**MOTION:** Mr. Flaherty made a motion to grant the continuance.

**SECOND:** Mr. Thomas.

Motion passed unanimously.

#### **Eduardo Carvajal Application Denial**

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

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

**SECOND:** Mr. Smith.

Motion passed unanimously.

**Chad O'Hara**  
**Application Denial**

Mr. O'Hara was not present nor represented by counsel.

Mr. O'Hara submitted a request to downgrade to the residential specialty.

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

**SECOND:** Mr. Smith.

Motion passed unanimously.

**MOTION:** Mr. Sandefer made a motion to approve the application for the residential specialty category.

**SECOND:** Mr. Chinchor.

Motion passed unanimously.

**Louis Richard**  
**Application Denial**

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

**MOTION:** Mr. Chinchor made a motion to reverse the denial.

**SECOND:** Mr. Flaherty.

Motion passed unanimously.

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

**SECOND:** Mr. Chinchor.

Motion passed unanimously.

**Roger Tanner**  
**Application Denial**

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

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

**SECOND:** Mr. Sandefer.

Motion passed unanimously.

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

**SECOND:** Mr. Sandefer.

Motion passed unanimously.

## **Reconsiderations, Deborah Loucks, Esq., Assistant Attorney General**

### **Kevin Ryan Application Denial**

Mr. Ryan was present and sworn in by the court reporter, he was represented by counsel, Chad Cron, Esq.

**MOTION:** Mr. Chinchor made a motion to reverse the denial.

**SECOND:** Mr. Flaherty.

Motion passed unanimously.

**MOTION:** Mr. Sandefer made a motion to approve the application.

**SECOND:** Mr. Thomas.

Motion passed unanimously.

## **LEGISLATIVE REPORT**

Ms. Chastain informed the Board of a bill that would change the CE requirements for reactivation to the equivalent of 1 biennium's required hours.

## **RULES REPORT – Clarence K. Tibbs**

Ms. Chastain asked the Board if there was a negative impact from the repeal of the following rules for the purposes of determining if Statements of Regulatory Costs should be prepared. Ms. Chastain provided the Board with copies of the Statements of Regulatory Cost checksheets.

Rules being repealed: 61G6-2.010, F.A.C., 61G6-5.0035, F.A.C, 61G6-5.009, F.A.C., 61G6-9.008, F.A.C. , 61G6-9.0105, F.A.C. , 61G6-9.013, F.A.C., 61G6-10.001, F.A.C. & 61G6-12.004, F.A.C.

The Board stated there was no negative impact.

## **FINANCIAL BUDGET LIAISON REPORT – Clarence K. Tibbs**

Ms. Chastain asked the Board to approve the transfer of funds from the operating account to the unlicensed activity account to cover the deficit in that account.

**MOTION:** Mr. Smith made a motion to transfer of funds from the operating account to the unlicensed activity account.

**SECOND:** Mr. Flaherty.

Motion passed unanimously.

## **PROBATION COMMITTEE REPORT**

**MOTION:** Mr. Sandefer made a motion to accept the probation reports of Jerry Cavender, Leonard Handsel and Roger Lehmkuhl.

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

**UNLICENSED ACTIVITY (ULA) REPORT – Paul Sandefer**  
No report given.

**EXAMINATION REPORT – Kenneth Hoffmann**  
The Board received a copy of the September and October 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).

**Danny Allen**

The Board reconsidered the application of Danny Allen.

**MOTION:** Mr. Smith made a motion to reverse the denial from Thursday November 17, 2011 and approve the application.

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

**Jose Carrasco**

**MOTION:** Mr. Thomas made a motion to approve the application based on supplemental documentation received.

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

**MOTION:** Mr. Flaherty made a motion to ratify the initial licensure and additional business results.

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

**MOTION:** Mr. Flaherty made a motion to ratify the Continuing Education Committee results.

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

See Exhibits A, B & C.

## **APPROVAL OF MINUTES**

**MOTION:** Mr. Sandefer made a motion to approve the July 2011 revised minutes with correction to page 4.

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

## **OLD BUSINESS/ NEW BUSINESS**

None

## **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 case information as of November 2011.

**MOTION:** Mr. Flaherty made a motion to continue prosecution of year old cases.

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

### **Motion to Vacate Final Order**

#### **Re: Declaratory Statement for Michael Scantland**

**MOTION:** Mr. Sandefer made a motion to amend the order to state a license is required to perform the scope of work and decline to answer the other questions.

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

## **BOARD COUNSEL'S REPORT – Deborah Loucks, Esq., Assistant Attorney General**

Ms. Loucks asked the Board for a determination on filing proposed rules with the Office of Fiscal Accountability and Regulatory Reform.

**MOTION:** Mr. Sandefer made a motion to adopt the Governor's request and send proposed rules to OFARR 7 days in advance of filing.

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

## **PROBABLE CAUSE PANEL PUBLIC CASES**

**Halle, Robert**

**Case #2010-028118**

Tabled



Electrical Contractors' Licensing Board  
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**Hawkins, Richard**  
**2010-062455**  
Tabled

**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 – Kenneth Hoffmann**

Mr. Hoffmann thanked everyone for their time and efforts.

**Adjournment.**