

**MINUTES FROM THE  
July 16 & 17, 2009  
ELECTRICAL CONTRACTORS' LICENSING BOARD MEETING  
Embassy Suites Hotel  
1100 SE 17<sup>th</sup> Street  
Ft. Lauderdale, FL 33316**

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

**PLEDGE OF ALLEGIANCE - Clarence Tibbs**  
**INVOCATION - Brain Flaherty**

**ROLL CALL**

**Members Present**

Clarence K. Tibbs (Chairman)  
Noel Thomas (Vice - Chairman)  
Roger E. Langer  
Kenneth Hoffmann  
Brian Flaherty  
Robert Bramlett  
Reagan Huff

**Members Absent**

Pierre Bellemare - Excused  
Paul Sandefer - 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 – Official Reporting Services – PH: 954-467-8204

**Approval of the Agenda**

**MOTION:** A motion was made to approve the agenda.

**SECOND:** The motion was seconded.

Motion passed unanimously.

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

Thomas Lindquist  
Settlement Stipulation  
License #: EC0001246  
Case #: 2008-006506  
Recused: Thomas, Tibbs

Mr. Lindquist was not present nor represented by counsel, Mr. Barry Seifer (not counsel) was present on his behalf. Mr. Lindquist was charged with violation of 489.533(1)(j), F.S., aiding and abetting unlicensed activity.

**MOTION:** Mr. Huff made a motion to accept the stipulation imposing fines of \$1000 and costs of \$217.63.

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

Tony Finno  
Hearing pursuant to 120.57(2), F.S.  
License #: ES 13002831  
Case #: 2007-055012  
Recused: Thomas, Tibbs

Mr. Finno was present nor and sworn in by the court reporter. Mr. Finno was charged with violation of 489.533(1)(j), F.S., aiding and abetting unlicensed activity.

**MOTION:** Mr. Flaherty made a motion to adopt the findings of fact as stated in the administrative complaint.

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

**MOTION:** Mr. Langer made a motion to adopt the conclusions of law as stated in the administrative complaint.

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

**MOTION:** Mr. Langer made a motion to impose a fine of \$788.05 and costs of \$211.95.

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

Lester Frank  
Hearing pursuant to 120.57(2), F.S.  
License #: EF074  
Case #: 2007-032100  
Recused: Thomas, Bellemare

Mr. Frank was not present nor represented by counsel. Mr. Frank was charged with violation of 489.533(1)(d), F.S., being convicted or found guilty of a crime related to the practice of contracting.

**MOTION:** Mr. Flaherty made a motion to revoke the license impose costs of \$224.44.  
**SECOND:** Mr. Huff.  
Motion passed unanimously.

Howard Smith  
Hearing pursuant to 120.57(2), F.S.  
License #: ER 0013770  
Case #: 2008-061045  
Recused: Thomas, Bellemare

Mr. Smith was not present nor represented by counsel. Mr. Smith was charged with violation of 489.533(1)(m)4, F.S., committing financial mismanagement or misconduct.

Mr. Smith's company sent a letter dated July 13, 2009 requesting a continuance.

**MOTION:** Mr. Langer made a motion to continue the case.  
**SECOND:** Mr. Hoffmann.  
Motion passed unanimously.

Ray E. Williams  
Hearing pursuant to 120.57(2), F.S.  
License #: ES 13002989  
Case #: 2007-041174  
Recused: Thomas, Tibbs

Mr. Williams was not present nor represented by counsel. Mr. Williams was charged with violation of 489.533(1)(a), F.S., 489.531(a), F.S. and 455.227 (1)(q), F.S., failure to properly license himself and his business.

**MOTION:** Mr. Flaherty made a motion to adopt the findings of fact as stated in the administrative complaint.  
**SECOND:** Mr. Huff.  
Motion passed unanimously.

**MOTION:** Mr. Flaherty made a motion to adopt the conclusions of law as stated in the administrative complaint.  
**SECOND:** Mr. Huff.  
Motion passed unanimously.

**MOTION:** Mr. Flaherty made a motion to impose a fine of \$1000 and costs of \$291.61.

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

Scott Dolhon  
Motion for Waiver  
License #: ER 10097  
Case #: 2008-018414  
Recused: Thomas, Bellemare

Mr. Dolhon was not present nor represented by counsel. Mr. Dolhon was charged with violation of 489.533(1)(a), F.S. and 455.227 (1)(q), F.S. failure to comply with an order of the board.

**MOTION:** Mr. Flaherty made a motion to find the respondent was properly served.  
**SECOND:** Mr. Bramlett.  
Motion passed unanimously.

**MOTION:** Mr. Flaherty made a motion to adopt the findings of fact as stated in the administrative complaint.  
**SECOND:** Mr. Bramlett.  
Motion passed unanimously.

**MOTION:** Mr. Flaherty made a motion to adopt the conclusions of law as stated in the administrative complaint.  
**SECOND:** Mr. Bramlett.  
Motion passed unanimously.

**MOTION:** Mr. Flaherty made a motion to revoke the license impose a fine of \$5000 and costs of \$74.72.  
**SECOND:** Mr. Langer.  
Motion passed unanimously.

Spencer J. Lee  
Stipulation  
License #: ER 13013261  
Case #: 2008-020971  
Recused: Thomas, Bellemare

Mr. Lee was not present nor represented by counsel. Mr. Lee was charged with violation of 489.533(1)(r), F.S., proceeding on a job without obtaining local permits or inspections.

**MOTION:** Mr. Flaherty made a motion to accept the stipulation imposing fines of \$200 and costs of \$350.74 with 60 days to pay.  
**SECOND:** Mr. Langer.  
Motion passed unanimously.

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William Dennis Rye  
Motion for Waiver  
License #: ER13012441  
Case #: 2008-003009  
Recused: Thomas, Bellemare

Mr. Rye was present and sworn in by the court reporter. Mr. Rye was charged with violation of 489.533(1)(p), F.S., abandonment of a job.

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

**SECOND:** Mr. Hoffmann.

Motion passed unanimously.

**MOTION:** Mr. Hoffmann made a motion to impose a fine of \$10 and costs of \$390.01 with 60 days to pay.

**SECOND:** Mr. Flaherty.

Motion passed unanimously.

James G. Hazlett  
Motion for Waiver  
License #: ER 13013266  
Case #: 2007-030691  
Recused: Thomas, Bellemare

Mr. Hazlett was not present nor represented by counsel. Mr. Hazlett was charged with violation of 489.533(1)(m)1, F.S., financial mismanagement or misconduct.

**MOTION:** Mr. Flaherty made a motion to find the respondent waived his rights.

**SECOND:** Mr. Huff.

Motion passed unanimously.

**MOTION:** Mr. Flaherty made a motion to adopt the findings of fact and conclusions of law as stated in the administrative complaint.

**SECOND:** Mr. Hoffmann.

Motion passed unanimously.

**MOTION:** Mr. Hoffmann made a motion to suspend the license until the respondent appears before the board and provides proof of payment of the liens and impose a fine of \$5000 and costs of \$78.33.

**SECOND:** Mr. Langer.

Motion passed unanimously.

Nathaniel P. Richardson  
Motion for Waiver  
License #: EC 997

Case #: 2007-003538  
Recused: Thomas, Bellemare

Mr. Richardson was not present nor represented by counsel. Mr. Richardson was charged with violation of 489.533(1)(m)2, F.S., financial mismanagement or misconduct.

**MOTION:** Mr. Flaherty made a motion to find the respondent waived his rights.

**SECOND:** Mr. Huff.

Motion passed unanimously.

**MOTION:** Mr. Flaherty made a motion to adopt the findings of fact and conclusions of law as stated in the administrative complaint.

**SECOND:** Mr. Huff.

Motion passed unanimously.

**MOTION:** Mr. Flaherty made a motion to suspend the license until the respondent appears before the board and provides proof of restitution of \$2000 to the customer, impose a fine of \$5000 and costs of \$739.01.

**SECOND:** Mr. Langer.

Motion passed unanimously.

#### **APPLICATION REVIEW –Noel Thomas, Chairman**

##### Second Business Applications

The following applicants were present during this portion of the meeting:

John Borota - Singh Jewell Communications Inc, Nelson Bosque - Hilda Electrical Inc, Ian Bruce - Sawgrass Air Conditioning And Appliance Service Inc, Isreal Colon - Muzak Llc, James Cook - Tmd Construction Company, Steve Dale - Control Communications Inc, Jordan Dearnas - Premier Electric Llc, Ramon Guillen - Let There Be Lights Inc, Mark Hand - Inspire Racing & Development Tem Inc DbA Your Security Connction, Lenard Handsel - Atlantic Florida Electric Inc, Edwin Heinemann - Miguel Carvajol Consulting Inc DbA Mac Electrical Engineering, Dale Jarosz - Diamond Media Group DbA Generx Generators Inc, Stuart Jones - Greener Electrical Solotions Llc, Mark Linares - Prestige Electrical Contractors Inc, Todd Lockwood - All American Electrical Co Inc, Mark Mentillo - Ingold Electric Inc, Steve Middleton - Bpa Lighting Inc, Alberto Murias - Albert Electrical Generators Of South Florida Corporation, Keith Owens - Critical Energy Services Inc, Dennis Oyler - Wilco Electric Inc, William Perez - Strictly Electric Inc, Jay Rosen - Hotwire Insura Llc, Douglas Sarrow - Ombs Alarm Conitoring Inc DbA Ombs Security And Fire, Frank Schafer - Mid Fla Heating And Air Inc, Edward Slowey - Tek Solutions Inc, Karl Stockerl - Safe Haven Securty Services DbA Safe Haven, William Wells - Bills Wells Corp DbA Mr Electric Of North Florida, David Winstead - Brandon Home Theater Inc, Daniel Yates - Switch Electrical Contractors Inc, Michael Hayes - Solartek,

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.

#### **PETITION FOR VARIANCE AND WAIVER – Brian Prat – Rule 61G6-6.017, F.A.C.**

Brian Prat was present and sworn in by the court reporter.

The petition requested a waiver of rule 61G6-6.017, F.A.C., Duration of Exam Scores allowing the applicant to use a passing exam score from July 2002.

**MOTION:** Mr. Langer made a motion to deny the petition.

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

#### **RECOMMENDED ORDER, Michael Oberstein Application for Licensure by Endorsement – DOAH Case # 08-1494**

Mr. Oberstein was present and sworn in by the Court Reporter and made an opening statement.

Ms. Loucks gave an opening statement and stated the Administrative Law Judge reached the correct conclusion but the Respondent had exceptions to the recommended order.

Mr. Tibbs was recused.

Mr. Thomas acted as Chairman.

The Board considered the petitioners exceptions and then the respondent's exceptions.

The Board reviewed and considered Petitioner's Exceptions and ruled as follows:

1. EXCEPTION ONE: Petitioner took exception to Paragraph 14 of the Recommended Order. Paragraph 14 sets forth the Administrative Law Judge's Conclusion of Law that Petitioner did not prove by a preponderance of the evidence that he meets the criteria for licensure by endorsement. The Board agreed with the Administrative Law Judge's finding

that Petitioner did not qualify for licensure by endorsement. Upon review of the exception, the record, and argument of Petitioner, to the extent that the paragraph includes findings of fact, the Board finds that there is competent substantial evidence to support the findings of fact. Moreover, the Board cannot reweigh the evidence. Therefore, Petitioner's first exception is denied.

2. EXCEPTION TWO: Petitioner's second exception requests that the Board reweigh the evidence admitted at hearing. Petitioner also took exception to the Administrative Law Judge's refusal to let Petitioner read certain parts of the Electrical Code of the City of New York into the hearing transcript. The excerpt that Petitioner wanted to read into the transcript was an admitted exhibit and therefore, was part of the hearing record. Upon review of the exception, the record, and argument of Petitioner, to the extent that the paragraph includes findings of fact, the Board finds that there is competent substantial evidence to support the Administrative Law Judge's findings of fact. Moreover, the Board cannot reweigh the evidence. Therefore, Petitioner's second exception is denied.

3. EXCEPTION THREE: Petitioner's third exception requests that the Board re-weigh the evidence admitted at the hearing. Petitioner directed the Board to review Petitioner's Exhibit 5, which Petitioner argues contradicts the Administrative Law Judge's determination that Petitioner does not meet the requirements for licensure by endorsement. Upon review of the exception, the record, and argument of Petitioner, to the extent that the exception relates to the findings of fact, the Board finds that there is competent substantial evidence to support the Administrative Law Judge's findings of fact. Again, the Board cannot reweigh the evidence. Therefore, Petitioner's third exception is denied.

4. EXCEPTION FOUR: Petitioner's fourth exception does not clearly identify the disputed portion of the recommended order by page number or paragraph, does not identify the legal basis for the exception, and does not include appropriate and specific citations to the record. Thus, the Board need not rule on this exception. Nevertheless, even if the Board were to consider the merits of this exception, it would conclude that this exception is meritless. Petitioner's fourth exception reiterates the evidence presented at the hearing and requests that the Board re-weigh the evidence admitted at hearing. Petitioner directed the Board to review Petitioner's Exhibit 5, which he argues contradicts the Administrative Law Judge's determination that Petitioner does not meet the requirements for licensure by endorsement. Upon review of the exception, the record, and argument of Petitioner, to the extent that the exception relates to the findings of fact, the Board finds that there is competent substantial evidence to support the findings of fact. Moreover, the Board cannot reweigh the evidence. Therefore, Petitioner's fourth exception is denied.

5. EXCEPTION FIVE: Petitioner's fifth exception does not clearly identify the disputed portion of the recommended order by page number or paragraph, does not identify the legal basis for the exception, and does not include appropriate and specific citations to the record. Thus, the Board need not rule on this exception. Nevertheless, even if the Board were to consider the merits of this exception, it would conclude that this exception is meritless. Petitioner's fifth exception describes Petitioner's cross-examination of Respondent's expert witness and asks the Board to re-weigh the evidence admitted and to judge the credibility of the witness. It is appropriate for the Administrative Law Judge as the trier of fact to determine the credibility of the witnesses testifying at the hearing. It is impermissible for the Board to review the transcript to determine a witness's credibility. To the extent that this exception sets forth an



exception to a finding of fact or conclusion of law in the Recommended Order, the Board denied Petitioner's fifth exception.

6. SIXTH EXCEPTION: Petitioner's sixth exception does not clearly identify the disputed portion of the recommended order by page number or paragraph, does not identify the legal basis for the exception, and does not include appropriate and specific citations to the record. Thus, the Board need not rule on this exception. Nevertheless, even if the Board were to consider the merits of this exception, it would conclude that this exception is without merit. Petitioner's sixth exception lists the evidence admitted at the hearing to prove that Petitioner meets the financial responsibility standard set forth in rule 61G6-5.005, Florida Administrative Code. Petitioner's sixth exception asks the Board to re-weigh the evidence admitted at hearing. But, the Board cannot reweigh the evidence. To the extent that this exception sets forth an exception to a finding of fact or conclusion of law in the Recommended Order, the Board denied Petitioner's sixth exception.

The Board reviewed and considered Respondent's Exceptions and ruled as follows:

1. EXCEPTION ONE: Respondent filed an exception to paragraph six of the Recommended Order which states that the evidence submitted by Petitioner is sufficient to establish that the master electrician's licensure examination administered in New York City in 1990 was substantially similar to or more stringent than the electrical contractor's license examination administered in Florida in 1990. Respondent's exception listed specific examples in the transcript that illustrated the differences between the two examinations. The Board accepted Respondent's Exception to Paragraph 6 of the Recommended Order for the reasons stated in Respondent's written exception. The Board adopted the grounds stated in Respondent's written exception and incorporates the written exception herein. The Board finds that there is competent substantial evidence in the record to support its finding that the two examinations are not similar. The Board voted to accept Respondent's first exception and to substitute the following language for Paragraph 6 of the Recommended Order:

*6. The evidence submitted by Mr. Oberstein is insufficient to establish that the master electrician's licensure examination administered in New York City in 1990 was substantially similar to or more stringent than the electrical contractor's license administered in Florida in or about 1990.*

2. EXCEPTION TWO: Respondent filed an exception to the Administrative Law Judge's conclusion of law set forth in endnote 2, which states that the Board's position that Mr. Oberstein failed to meet his burden of proof because he could not produce details of the 1990 Florida examination is untenable because the examination details are only available to the Board. The Board accepted Respondent's Exception to endnote 2 of the Recommended Order for the reasons stated in Respondent's written exception. The Board adopted the grounds stated in Respondent's written exception and incorporates the written exception herein. Respondent's position that Petitioner failed to meet his burden of proof because Petitioner did not provide details of the Florida 1990 examination is an accurate statement of the law. The Board voted to accept Respondent's exception 2 and to delete endnote 2 from the Recommended Order.

3. EXCEPTION THREE: Respondent took exception to the Conclusion of Law found in paragraph 13 of the Recommended Order. The Administrative Law Judge found that the fact that New York City is neither a state nor a territory should not preclude Mr. Oberstein from obtaining a license by endorsement if he meets the other requirements for licensure. This Conclusion of Law ignores the explicit statutory language set forth in Section 489.511(6), Florida Statutes (now found in Section 489.511(5), Florida Statutes). Moreover, because the Board administers section 489.511(5) of the Florida Statutes, this issue implicates a conclusion of law within the Board's substantive jurisdiction. See §120.57(1)(f), Fla. Stat. (2008)(providing that "[t]he agency in its final order may reject or modify the conclusions of law over which it has substantive jurisdiction and interpretation of administrative rules over which it has substantive jurisdiction."). Therefore, the Board found that its basis for rejecting the Conclusion of Law was based on the discussion of the rules of statutory construction included in Respondent's written exceptions. The Board accepted Respondent's Exception to the Conclusion of Law set forth in Paragraph 13 of the Recommended Order, adopted the grounds stated in Respondent's written exception, and incorporates the written exception herein. The Board found that its substituted conclusion of law is as or more reasonable than the Conclusion of Law found in Paragraph 13 of the Recommended Order. The Board voted to accept Respondent's third exception and to substitute the following language for Paragraph 13 of the Recommended Order:

13. First, New York City is neither a state nor a territory of the United States. Therefore, Petitioner fails to meet the requirements of Section 489.511(5)(b), Florida Statutes, because he does not hold a license to practice electrical or alarm system contracting issued by another state or territory of the United States.

4. Based on the Board's adoption of the revised language for Paragraph 6, the Board voted to delete the first sentence of Paragraph 14 of the Recommended Order to prevent a contradiction in the findings of fact and the conclusions of law.

**MOTION:** Mr. Flaherty made a motion to accept the findings of fact set forth in the Recommended Order, as modified and amended by the exceptions accepted for the reasons stated.

**SECOND:** Mr. Huff.

Motion passed unanimously.

**MOTION:** Mr. Huff made a motion to accept the conclusions of law set forth in the Recommended Order, as modified and amended by the exceptions accepted for the reasons stated.

**SECOND:** Mr. Flaherty.

Motion passed unanimously.

**MOTION:** Mr. Flaherty made a motion to accept the recommendation of the Administrative Law Judge to deny the application of Mr. Oberstein.

**SECOND:** Mr. Huff.

Motion passed unanimously.

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

**Thomas Dettman**

**Application Denial – Initial by Examination**

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

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

**SECOND:** Mr. Langer.

Motion passed unanimously.

**Kevin Donnelly**

**Application Denial – Endorsement**

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

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

**SECOND:** Mr. Langer.

Motion passed unanimously.

**Richard Durso**

**Application Denial – Endorsement**

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

**MOTION:** Mr. Hoffmann made a motion to reverse the denial and approve the application contingent on the applicant providing a new balance sheet demonstrating a net worth of \$10,000 reviewed by a CPA and closure of the unlicensed activity case.

**SECOND:** Mr. Flaherty.

Motion passed unanimously.

**David Grimes**

**Application Denial – Initial by Examination**

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

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

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

**Kevin Hatton**

**Application Denial – Additional Business**

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

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

**SECOND:** Mr. Langer.

Motion passed unanimously.

**Gruia Ionescu**

**Application Denial – Initial by Examination**

Mr. Ionescu was present and sworn in by the court reporter and represented by counsel, Tim Atkinson, Esq.

**MOTION:** Mr. Tibbs made a motion to reverse the denial and approve the application contingent on the applicant providing letters from the mortgage companies that both foreclosures are resolved.

**SECOND:** Mr. Sandefer.

Motion passed unanimously.

**Robert Katzman**

**Application Denial – Additional Business**

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

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

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

**Mitchell Meadows**

**Application Denial – Endorsement**

Application was continued to the next meeting.

**Ronald Moseley**

**Application Denial – Endorsement**

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

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

**SECOND:** Mr. Flaherty.

Motion passed unanimously.

**David Voight**

**Application Denial – Initial by Examination**

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

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

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

**David Winstead**

**Application Denial – Endorsement (Requesting Downgrade)**

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

**MOTION:** Mr. Hoffmann made a motion to reverse the denial and approve the application for an Alarm II license.

**SECOND:** Mr. Huff.

Motion passed unanimously.

**David Winstead**  
**1st Review – Additional Business**

Mr. Winstead was present and sworn in by the court reporter and asked the additional business questions.

**MOTION:** Mr. Hoffmann made a motion to reverse the denial and approve the application for an Alarm II license.

**SECOND:** Mr. Huff.

Motion passed unanimously.

**RECONSIDERATIONS – Deborah Loucks, Esq., Assistant Attorney General**

**John Huff**  
**Application Denial – Initial by Examination**

Mr. Huff was not present nor represented by counsel.

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

**SECOND:** Mr. Huff.

Motion passed unanimously.

**Abdullah Belhaj**  
**Application Denial – Endorsement**

Application was continued to the next meeting.

**Requests for Reinstatement of Null and Void Licenses, Deborah Loucks, Esq., Assistant Attorney General**

**Evan Katz – EF20000545**

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

**MOTION:** Mr. Hoffmann made a motion to reinstate the license.

**SECOND:** Mr. Flaherty.

Motion passed unanimously.

**Michael Elliott – ET0000365**

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

**MOTION:** Mr. Huff made a motion to reinstate the license to active status.

**SECOND:** Mr. Langer.

Motion passed unanimously.

**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 the following case information as of July 13, 2009.

- 1 cases requiring supplemental investigation
- 7 cases assigned to Legal after investigation
- 17 cases set for Probable Cause presentation
- 11 cases where an Administrative Complaint has been filed
- 2 cases Ready for Waiver
- 5 cases requesting a Formal Hearing
- 6 cases for settlement negotiations
- 14 cases set for Board presentation
- 6 cases awaiting Final Order
- 44 total public cases in Legal
- 25 total confidential cases in Legal
- 46 cases a year old or more in Legal

**MOTION:** Mr. Hoffmann made a motion to continue prosecution of the cases that were over a year old.

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

#### **UNLICENSED ACTIVITY REPORT – LeChea Parson., Assistant General Counsel**

No report given.

#### **LEGISLATIVE REPORT**

No report given.

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

Ms. Loucks provided the Board with a rules report updating the status of their open rules.

#### **PROBATION COMMITTEE REPORT**

**MOTION:** Mr. Thomas made a motion to accept the probation reports of Kenneth Holmes and Anthony Diodato.

**SECOND:** Mr. Bramlett.

Motion passed unanimously.

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

No Report given.

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

Ms. Chastain presented the March 31, 2009 reports for both the operating account and the unlicensed activity account.

**EXAMINATION REPORT – Clarence K. Tibbs**

The Board reviewed a report showing pass/fail rates for May 2009.

**ENDORSEMENT REPORT**

No changes were made to the matrix.

**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. Thomas made a motion to accept the lists as presented.

**SECOND:** Mr. Langer.

Motion passed unanimously.

See Exhibits A, B & C.

**OLD BUSINESS/ NEW BUSINESS**

None.

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

No Report.

**EXECUTIVE DIRECTOR'S REPORT – Juanita Chastain**

Ms. Chastain informed the board that the request for the Executive Director and 1 board member to travel to NASCLA was denied.

Ms. Chastain asked the board members to review Secretary Drago's letter and provide her with their suggestions.

Ms. Chastain provided the members with a list of criminal charges which would not require board review of an application for their review and approval. The board asked that items 27, 28 and 29 be removed and approved the list.

**ELECTION OF OFFICERS**

Mr. Tibbs nominated Noel Thomas for Chairman and Brian Flaherty for Vice Chairman.

**MOTION:** Mr. Huff made a motion accepting Noel Thomas as Chairman and Brian Flaherty as Vice Chairman.

**SECOND:** Roger Langer

Motion passed unanimously.

**CHAIRPERSON'S COMMENTS – Clarence Tibbs**

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Mr. Tibbs thanked the members for their work.

**Adjournment.**