From: Vaccaro, Kourtney@Energy
To: "golferjohn@wavecable.com";
cc: "dave@davidhaddocklegal.com"; "jluckhardt@downeybrand.com";
Subject: Complaint Against and Investigation of CalCERTS, Inc.
Date: Friday, April 20, 2012 9:02:00 AM
Attachments: TN 64718 04-11-12 E-mail Regarding Davis and Hoover Complaint Against C. pdf

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Mr. Flores:

On behalf of the committee assigned to this matter, I am responding to your April 11, 2012 e-mail to the Energy Commission (attached above). Your e-mail expressed concern about the allegations contained in the Answer to the Complaint Against and Request for Investigation of CalCERTS, Inc. (Complaint).

As you are probably aware, the Complaint proceeding involves three parties: Erik Hoover, Patrick Davis, and CalCERTS, Inc. As shown by the Complaint and Answer, Mr. Hoover and Mr. Davis are affiliated with Valley Duct Testing. The Answer's allegations indicate that this affiliation is pertinent to CalCERTS, Inc.'s response to and defense against the Complaint allegations.

While we understand your concern that the Answer's allegations might negatively portray Valley Duct Testing, you have cited no legal authority that would prevent the Commission from publishing the Answer and related declaration in their entirety.

DOCKET
12-CAI-1
DATE APR 20 2012
RECD. APR 20 2012

Thank you,
Kourtney Vaccaro
Hearing Adviser II
California Energy Commission

Catherine Cross - Davis and Hoover Complaint against CalCerts

From: John Flores <golferjohn@wavecable.com>
To: <ccross@energy.state.ca.us>, <oawolowo@energy.state.ca.us>, <kmcdonne@energy.state.ca.us>
Date: 4/11/2012 12:39 PM
Subject: Davis and Hoover Complaint against CalCerts

Good Morning All,

My name is John Flores. I am the President of JaaR Sales, Inc. DBA Valley Duct Testing. It has come to my attention that CalCerts has filed a document as part of Docket No. 12-CAI-01 that includes several accusations and other disparaging statements against my company JaaR Sales, Inc., which does business in the state of California under the name Valley Duct Testing. Valley Duct Testing is a private corporation, licensed as a corporation by the state of California. Valley Duct Testing does not possess, and is not required to obtain, a license from the California Energy Commission in order to operate, and it requires no certification or authorization from CalCerts. Valley Duct Testing is not a party to this proceeding.

Valley Duct Testing, as a corporation, does not perform home energy testings or ratings. It simply provides support functions, such as payroll, benefits, accounting, etc. for other people who do perform home energy testings or ratings, and do depend upon certifications from the CEC and CalCerts. For these reasons, Valley Duct Testing is not subject to the regulatory authority of CalCerts or the CEC. It does not operate under any statute or regulation adopted, administered or enforced by either CalCerts or the CEC. Accordingly, it is wholly inappropriate for Valley Duct Testing to be dragged into this proceeding. If CalCerts or the CEC has accusations against me individually as a HERS Rater, or against any of the HERS raters employed by Valley Duct Testing, it should direct its accusations to the HERS raters themselves.

The statements made by CalCerts about Valley Duct Testing is its Answer are false and defamatory, and will do significant damage to Valley Duct Testing if they are published. It was wrong for CalCerts to make the statements in its Answer. It will also be wrong if the CEC chooses to publish the Answer, including those statements, on its website. The Answer should be withdrawn and corrected. If the CEC intends to publish the Answer, it should insist that references to Valley Duct Testing be redacted.

If all of you could please respond to this email it would be much appreciated.

Sincerely,

John Flores
Valley Duct Testing

DOCKET
12-CAI-01
DATE APR 11 2012
RECD. APR 12 2012

John B. Flores
Valley Duct Testing
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4/12/12 - Emailed to Dockets/cc