



**POLICY STATEMENTS
MARCH 26, 2012**

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**COLORADO STATE ELECTRICAL BOARD
POLICY STATEMENTS**

DISCIPLINE

07-1 Confidential Letters of Concern. It is the policy of the Colorado State Electrical Board that complaints that are dismissed with letters of concern are not dismissed as being without merit but rather are dismissed due to no reasonable cause to warrant further action at that time. Cases that are dismissed with a confidential letter of concern will be retained in the Board's files for a period of five years.

The Board may reopen a case that was dismissed with a letter of concern in the face of a change in circumstances. Such a change in circumstances would include but not be limited to:

- Discovery of new evidence supporting the underlying charges.
- Evidence that the licensee has engaged in further unprofessional conduct/grounds for discipline following issuance of the letter of concern in which there is a nexus between the new conduct and that was addressed in the case that was dismissed with the letter of concern.

After five years from the date of the letter of concern, the file will be disposed of in accordance with the Division's records management procedures. If the licensee has other active cases pending at the end of the five year retention period, the letter of concern may be kept for a longer period of time at the discretion of the Board/Program staff.

Adopted 10/23/2006; Revised 3/23/2009

07-2 Disciplinary Action Regarding Expired Licenses. It is the policy of the Colorado State Electrical Board to take disciplinary action when the Board finds that a licensee or registrant practiced as an electrician with an expired license or registration. Renewal of an expired license is subject to Board Rule 9.0.

If the Board finds that a licensee or registrant practiced with an expired license or registration for a period of 60 days up to one year, it is the policy of the Board to issue a confidential letter of concern. If the Board finds that a licensee or registrant practiced with an expired license or registration for a period of one to two years, it is the policy of the Board to issue a Letter of Admonition which is disciplinary action recorded on the license history. If the Board finds that a licensee or registrant practiced with an expired license or registration for more than two years it is the policy of the Board to take disciplinary action as it deems appropriate, that would be recorded on the license or registration history.

Adopted 11/27/06; Revised 6/22/09

07-3 Delegation of Authority to Program Director

- 1) **Investigative Subpoena Enforcement.** When, in the course of investigation of a complaint, a subpoena needs to be enforced pursuant to the Electrical Practice Act or the Administrative Procedures Act, the State Electrical Board specifically authorizes the Program Director to refer such matter directly to the Office of the Attorney General for enforcement.

Adopted 3/23/2009; Revised 1/25/2010

- 2) **Execution of Board Orders.** The Board delegates to the Program Director authority to sign, on behalf of the Board, the following documents, the terms of which the Board has previously approved: Confidential Letters of Concern, Letters of Admonition, Orders to Show Cause,

Cease and Desist Orders, stipulations and other settlement agreements, and Final Agency Orders. Signature of such documents by the Program Director shall be considered execution by the Board.

Adopted 3/23/2009; Revised 1/25/2010

- 3) **Cease and Desist Orders.** Upon issuance of a Notice of Alleged Violation by a state inspector and appropriate review by the Program Director, the Board delegates to the Program Director authority to sign, on behalf of the Board, Cease and Desist Orders, the terms of which the Board had previously approved. Signature of such documents by the Program Director shall be considered execution by the Board.

Adopted 1/25/2010; Revised 3/26/2012

- 4) **Board Procedural Order Regarding Review of Initial Decisions.** The Board delegates to the Program Director, Section Director or their designee the authority to issue on the Board's behalf the adopted "Board Procedural Order Regarding Review of Initial Decision" with the directive that the Order be issued upon receipt of all initial decisions.

Adopted 11/22/2010

- 5) **Acceptance of Quarterly Reports.** The Board delegates to the Program Director or the Program Director's designee the authority to accept completed quarterly reports that document current compliance with court-ordered probation or parole and are signed by a probation or parole officer.

Adopted 5/23/2011

- 6) **Lifting Probation upon Successful Completion of Court Parole or Probation.** The Board delegates to the Program Director authority to lift the Board-ordered probation of persons who:
- (a) Have signed a stipulation with the Board related to a felony conviction, and,
 - (b) Who have provided proof of successful completion of their court-ordered probation or parole, and,
 - (c) Who have no more than two overdue quarterly reports.

Adopted 5/23/2011

- 7) **Stipulations in Abeyance.**
- (a) **Placing Stipulations in Abeyance.** The Board delegates to the Program Director authority to place a stipulation in abeyance when the licensee or registrant who signed the stipulation with the Board:
- i. Has failed to meet the terms of the stipulation; and,
 - ii. Whose license or registration is in a non-active status.

When a stipulation is held in abeyance, the Board directs the Program Director to cause an alert to be placed on the record that will require the Board's review upon the individual's application to reactivate registration or licensure, or applying for additional licensure or registration by the Board.

- (b) **Lifting Abeyance of Stipulation.** In the event a licensee or registrant has made a request to lift the abeyance of a stipulation, if the stipulation has been held in abeyance for no more than six months, the Board delegates to the Program Director authority to

lift the abeyance of a stipulation and allow the licensee or registrant to continue with the terms of the stipulation. All other requests to lift the abeyance of a stipulation will be referred to the Board for consideration.

Adopted 5/23/2011; Revised 3/26/2012

- 8) **Exemptions to Continued Competency Requirements.** The Board delegates to the Program Director and their designee the authority to review and approve or deny on the Board's behalf a request for an exemption from the Continuing Competency (CC) program requirement when such a request is submitted in writing pursuant to Board Rule 9.7(m).

Adopted 5/23/2011

07-4 Unpaid Citation Fines. It is the policy of the Colorado State Electrical Board to take action when a licensee or registrant fails to pay citation fines issued by the Board or its designee. The Board delegates to the Program Director authority to take the following actions on behalf of the Board:

- 1) First instance a licensee or registrant fails to pay citation fine
 - (a) If the licensee or registrant has not paid the citation fine within twenty (20) days after a citation is issued, the Program Director may initiate a complaint for failure to pay the citation fine and request that the licensee or registrant provide a written response to the complaint.
 - (b) The Program Director may enter into negotiations for a stipulated agreement with the licensee or registrant. A stipulated agreement for payment of a citation fine may include a payment plan.
 - (c) If the licensee or registrant has not paid the citation fine within fifty (50) days after the citation is issued, the Program Director may issue a Letter of Admonition (LOA) to the licensee or registrant for failure to pay the citation fine.
- 2) Subsequent instance a licensee or registrant fails to pay citation fine
 - (a) If the licensee or registrant has not paid the citation fine within twenty (20) days after a citation is issued, the Program Director may initiate a complaint for failure to pay the citation fine and request that the licensee or registrant provide a written response to the complaint.
 - (b) The Program Director may enter into negotiations for a stipulated agreement with the licensee or registrant. A stipulated agreement for payment of a citation fine may include a payment plan.
 - (c) If the licensee or registrant has not paid the citation fine within fifty (50) days after the citation is issued, the Program Director may refer the complaint to the Office of the Attorney General (OAG) for revocation of the license or registration.

Actions by the Program Director in accordance with this policy shall be considered actions of the Board.

Adopted 5/18/2009

07-5 Process for Handling Complaints Involving Board Members of the State Electrical Board. It is the policy of the State Electrical Board that any signed complaint received by the Board against a current licensee who is a member of the Board or one who has served on the Board within the past five years, or a licensee who has an ongoing formal relationship with the Board will be handled as follows:

- If the complaint alleges a violation of Title 12, Article 23 of the Colorado Revised Statutes, the complaint will be sent to the Office of Investigations within the Division of Registrations for a formal investigation.

- If the complaint alleges substandard practice, the Office of Investigations will also have the case reviewed by an independent consultant selected by the Office of Investigations.

Upon completion of the investigation, the report will be referred to the Board for appropriate action. If the complaint is against a current board member, he or she shall recuse from all discussions regarding the complaint and physically leave the meeting room during these discussions.

All other customary procedures for the handling of a complaint by the Board will apply. These may include but are not limited to issuance of a 30-day letter, notification to the licensee and complainant of Board decisions, and the confidentiality of the complaint and investigation as provided by Title 12, Article 23 of the Colorado Revised Statutes.

Anonymous complaints filed against a current licensee who is a member of the Board or one who has served on the Board within the past five years, or a licensee who has an ongoing formal relationship with the Board will be evaluated by the Board on a case by case basis.

Adopted 7/27/2009

07-6 Anonymous Complaints. It is the policy of the Board to discourage anonymous complaints. Further, the Board will not automatically investigate anonymous complaints. Rather, they will be subject to review on a case-by-case basis.

Adopted 3/22/2010

08-1 Apprentice Registration and Recordkeeping

- 1) **Registration.** It is the policy of the Board that all apprentice registration cards must be filled out completely and signed by the master electrician for, or any signatory authority of, the electrical contractor and the apprentice.
 - (a) When an apprentice registration is submitted more than *90 days after the date of hire*, the following is required:
 - i. Completed apprentice registration card;
 - ii. Registration fee; and,
 - iii. A written attestation from the responsible master electrician verifying that the apprentice has been performing electrical work during the unregistered period.
 - (b) An individual that holds an active residential electrician's license and is working on a commercial job site must be registered as an apprentice.
 - (c) The Board may take disciplinary action upon a finding of a violation of § 12-23-110.5(3), C.R.S., requiring the timely registration of apprentices.
- 2) **Recordkeeping.** Electrical Contractors shall maintain employment records or work reports for their apprentices in order to provide experience verification. Such records or report should accurately document the number of hours and months the apprentice performed electrical work as defined by § 12-23-101, C.R.S. and should specifically reflect:
 - (a) Exact dates of employment;
 - (b) Number of hours and months of residential electrical experience; and,
 - (c) Number of hours and months of commercial, industrial, or substantially similar electrical experience.
- 3) **Late Registration.** It is the policy of the Board to take disciplinary action when the Board finds that an Electrical Contractor has failed to timely register apprentices pursuant to § 12-23-110.5(3), C.R.S. and Board policy 08-1. The Board delegates to the Program Director the authority to take the following actions on behalf of the Board:

- (a) The first instance of untimely registration of an electrical apprentice will result in the issuance of a Confidential Letter of Concern to the electrical contractor.
- (b) The second instance of untimely registration of an electrical apprentice will result in the issuance of a Letter of Admonition to the electrical contractor. Letters of Admonition are a permanent, and public, part of the electrical contractor's record with the Board.
- (c) For all other subsequent violations of untimely registration of apprentices and any request to backdate and apprentice registration more than four years, will be referred to the Board for consideration.

Adopted 7/27/2009; Revised 4/26//2010; Revised 9/26/2011; Revised 3/26/2012

08-2 Application Evaluation

- 1) **Calculating Experience.** When evaluating experience earned by an applicant pursuant to § 12-23-106, C.R.S., the minimum experience of practice experience required for examination is calculated in "years" as follows:
 - (a) Residential Wireman – 4000 hours earned in no less than 2 years
 - (b) Journeyman Electrician – 8000 hours earned in no less than 4 years
 - (c) Master Electrician – 10,000 hours earned in no less than 5 years

This policy does not negate any other requirement set forth in the Board's rules or statutes for requirements for licensure. It is intended to clarify the term "years" of experience earned as referenced in the statutes and rules of the Board.
- 2) **Community College Degree.** Applicants that are graduates from an accredited community college shall hold a degree in the electrical field to receive credit pursuant to § 12-23-106, C.R.S.
- 3) **Trade School.**
 - (a) Apprenticeship training programs are not equivalent to trade schools.
 - (b) A trade school shall meet the following criteria:
 - i. Provide training in the following areas as it relates to the electrical trade:
 1. Maintenance and new construction wiring in residential and commercial buildings;
 2. Basic math related to the electrical industry;
 3. Basic use of hand tools and materials;
 4. Basic electrical resistive theory, wire sizing, circuit construction, and troubleshooting;
 5. Basic to advanced study in motor control, motor theory and maintenance, installation and maintenance of equipment, designing electrical systems, blueprint reading, estimating, and electrical codes;
 6. Electrical theory and practical application; and,
 7. OSHA curriculum based safety training.
 - ii. Provide official transcripts noting credit hours.
 1. Graduate must obtain no less than 165 credit hours.
 2. Each credit hour shall represent no less than 19 classroom hours.

Adopted 7/25/2011; Revised 1/23/2012

For policies adopted after this printing, visit our web site at: www.dora.state.co.us/electrical