

RECORD OF PROCEEDINGS

MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD AT 1560 BROADWAY, STE 1250-C, DENVER, COLORADO ON Monday, March 28, 2011

The meeting of the Board was publicly noticed according to the Division of Registrations' Policy 80-17.

I MEETING – CALL TO ORDER

Board President Loren Priest called the meeting to order at 9:04 a.m.

II RECOGNITION OF MEMBERS PRESENT

Loren Priest	Public Member, Chair
Jose Amaya	General Contractor
Scott Berg	Building Official
Rory Berumen	Journeyman Electrician
Jerry Coffee	Electrical Contractor
Michael Dell'Orfano	Public Member
Robin Kittel	Electrical Utility
Terry Schneider	Master Electrician

MEMBERS ABSENT

George Nightingale	Electrical Contractor, Vice-Chair
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OTHERS PRESENT

Mark Browne	Program Director
Stephen Conrad	Chief Inspector
Dennis Rhodes	Office of Expedited Settlement
John J. Roberts, Esq.	Assistant Attorney General
Kevin Huff	Investigator, Office of Investigations
Joyce J. Young	Enforcement Unit Supervisor
Marian Zabel	Administrative Assistant
Corey Everett	Continuing Competency Manager
Catie Granquist	Continuing Competency Specialist

III PREVIOUS BOARD MEETING MINUTES

Board member Michael Dell'Orfano recused himself from the vote. A motion was made, seconded, and carried to approve the minutes of the January 24, 2011, meeting, as amended.

IV REPORTS FOR RATIFICATION

A. Review of Report of Final Agency Actions – January 4, 2011 through March 9, 2011

Cease and Desist Orders

1. Hector Leal, Unlicensed
2. Scott Peters, Unlicensed
3. Jason L. Smith, Unlicensed
4. Son Tram, Unlicensed
5. Grand Home Services LLC, Unlicensed
6. United Renovations, Unlicensed
7. Gregory M. Tischner, Unlicensed
8. Bruce Padgett, Unlicensed
9. Elite Restoration, Unlicensed
10. Toolbelt Enterprises, Unlicensed
11. Frankie A. Barbich, APE
12. Ken Holsti, APE
13. Jesse R. Sickles, APE
14. Robert J. Velie, APE
15. Handyman Matters, EC
16. Brent McBride, ME

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Finalized Letters of Admonition (LOA)

1. Michael K. Bickford, JW
2. Ace J. Mayer, JW
3. Mariano a. Lechuga, RW

* An LOA is not final until the 20-day period has lapsed, allowing the Respondent to contest the action.

Revocations

1. Gabriel Sandoval, APE

Stipulations

1. Robert F. Munshower, APE
2. James R. Hulsing, APE
3. Steven W. Maddox, APE
4. David W. Mundy, APE
5. Arnold J. Schaffer, APE
6. Troy M. Schulte, APE
7. C.A.M. Electric Inc., EC
8. Lord & Reynolds Electric, EC
9. Bryan G. Johnson, JW
10. Ross N. Munro, JW
11. Maksim Khamov, JW
12. Patrick G. Tobin, JW
13. Timothy C. Houser, ME
14. Craig W. Reynolds, ME
15. Dominic R. Padilla, RW

A motion was made, seconded, and carried to ratify the report.

B. Felony Audit Progress Report

The Board reviewed the progress reports for the felony audit of October 2009, and October 2010. A motion was made, seconded, and carried to ratify the reports.

V STAFF COMMENTS

Mr. Browne invited Cory Everett to provide Continuing Competency (CC) updates.

- Ms. Everett asked that the Board consider rule 9.7(m) for possible revision. This rule concerns hardship exemptions from the Individual Assessment (IA), development of the Personal Learning Plan, and demonstration of CC requirements. The suggestion was to move the license status from active to inactive during the exemption period.
- Ms. Everett stated that Pearson Vue will begin pre-testing the CC process in April.

Mr. Browne stated that the CC outreach was well received. Outreach was held at the Jefferson County Fair Grounds on February 18, 2011, for the Colorado Chapter of the International Code Council (CCICC).

Mr. Browne stated that several Board Member terms will expire July 1, 2011. He encouraged members to offer recommendations for the opening positions.

Chief Inspector, Steve Conrad, updated the Board regarding the formation of a sub-committee to discuss Individual Assessment (IA) questions for the CC process. The committee spent two days writing questions covering a variety of categories, including, simple theory and calculations.

Mr. Conrad and Inspector Supervisor Grant Hammett conducted the CC portion of the International Association of Electrical Inspectors (IAEI) seminar held March 17-18. In attendance were about 200 electrical inspectors, electrical contractors, electricians, and nationally recognized code experts.

CCICC will meet with Pearson Vue in early April to update the examination questions. Beginning July 1, 2011, the examinations will be based on the 2011 edition of the NEC.

VI REVIEW OF BOARD BUSINESS

A. Request for Variance

Business: Brian R. Propp, Supplier

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Summary: Mr. Propp requested a variance to §12-23-116(2)(a), C.R.S. This request was to waive the requirement that electrical wiring be inspected prior to covering for factory installed conduits, fittings, and boxes in structural insulated panels at Peter Meisler's residence located at 3402 CR 625 in Gardner, Colorado.

Action: A motion was made, seconded, and carried to grant this request with the following:

Provisions

1. This is a one-time variance for permit 697203.
2. This variance is limited to 3402 CR 625, Gardner, Colorado.

Findings of Fact

It is the opinion of the Board that:

1. The materials meet code requirements.
2. Strict enforcement of 12-23-116(2)(a), C.R.S. would result in unreasonable operational conditions and an unreasonable economic burden.
3. The new installation does not compromise public safety.

B. Interview - Application

Business: Glenn D. Christopher, APE – Journeyman Application

Summary: The Board interviewed Mr. Christopher concerning his electrical application for the journeyman examination and information regarding the affidavit of experience submitted by Sturgeon Electric.

Action: A motion was made, seconded, and carried to deny the application for lack of commercial installation experience.

C. Complaints Review

Subject: Ralph Rogers, Unregistered

Case No.: 2011-000347

Summary: The Board reviewed the tabled complaint filed against Mr. Rogers by the Board and information regarding his failure to respond to the Board's request for additional information. This complaint alleged that Mr. Rogers failed to obtain a permit and inspection.

Action: A motion was made, seconded, and carried to dismiss the case as being without merit.

Subject: Christopher J. Ames, JW 10292

Case No.: 2011-003063

Summary: The Board reviewed the complaint filed against Mr. Ames by Craig Reynolds and Mr. Ames' response to the complaint. This complaint alleged that Mr. Ames contracted and performed electrical wiring without the proper registration.

Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

After discussion in executive session, a motion was made, seconded, and carried, in open session, to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Subject: Desert Plains Electric, EC 6590

Case No.: 2011-002387

Summary: Board member Jerry Coffee recused himself from discussion and vote and left the room. The Board reviewed the complaint filed against Desert Plains Electric by Reed White and the response to the complaint provided by Attorney, C. Todd

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KettelKamp, on the company's behalf. This complaint alleged that the company failed to properly supervise their unlicensed electricians.

Action: A motion was made, seconded, and carried to dismiss the case as being without merit.

Subject: Mark D. Ellis, Unregistered

Case No.: 2011-002504

Summary: The Board reviewed the complaint filed against Mr. Ellis by the Board and his response to the complaint. This complaint alleged that Mr. Ellis performed electrical services without the proper licensure or registration.

Action: A motion was made, seconded, and carried to issue a Cease and Desist Order to Mark D. Ellis for performing electrical work without the proper licensure or registration.

A motion was made, seconded, and carried to initiate a complaint against Winter Park Electric for employment of an unlicensed person.

Subject: Larry Flores, Unregistered

Case No.: 2011-002388

Summary: The Board reviewed the complaint filed against Mr. Flores by the Board and his response to the complaint. This complaint alleged that Mr. Flores was offering to perform and performing electrical contracting services without the proper licensure and registration.

Action: A motion was made, seconded, and carried to issue a Cease and Desist Order to Larry Flores for performing electrical work without the proper licensure or registration.

A motion was made, seconded, and carried to initiate a complaint against Edison Electric for failure to register an apprentice.

Subject: Thomas J. Gaccetta, ME 28570

Case No.: 2011-001672

Summary: Board member Rory Berumen recused himself from discussion and vote and left the room. The Board reviewed the complaint filed against Mr. Gaccetta by George Paul Demos and Mr. Gaccetta's response to the complaint. This complaint alleged that Mr. Gaccetta failed to correctly install electrical wiring and failed to obtain a commercial permit.

Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

After discussion in executive session, a motion was made, seconded, and carried, in open session, to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Subject: Todd Johnson, ME 25675

Case No.: 2011-001987

Summary: The Board reviewed the complaint filed against Mr. Johnson by Leah Jaye Osowiecki and information regarding Mr. Johnson's failure to respond to the complaint. This complaint alleged that Mr. Johnson performed electrical work without a permit or inspection.

Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

Subject: Warner E. Lasher, ME 768

Case No.: 2011-002390

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- Summary:** The Board reviewed the complaint filed against Mr. Lasher by Chris Gardner and Mr. Lasher's response to the complaint. This complaint alleged that Mr. Lasher failed to correct code violations for the property at issue.
- Action:** A motion was made, seconded, and carried dismiss the case as being without merit.
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- Subject:** James E. Maule, ME 25420
Case No.: 2011-002574
Summary: The Board reviewed the complaint filed against Mr. Maule by the Board and his response to the complaint. This complaint alleged that Mr. Maule violated the terms of the April 27, 2009, Stipulation and Final Agency Order he signed with the Board by failing to provide the required reports.
- Action:** A motion was made, seconded, and carried to dismiss the complaint and lift the Board probation and probation requirements on Mr. Maule's master license.
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- Subject:** Jonathan B. McBlair, JW 111949
Case No.: 2011-002385
Summary: The Board reviewed the complaint filed against Mr. McBlair by Curtis Hansen and Mr. McBlair's response to the complaint. This complaint alleged that Mr. McBlair was offering electrical contracting services (on Craigslist) without the proper registration.
- Action:** A motion was made, seconded, and carried to refer to executive session for possible discipline.
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- Subject:** Matt Mullet, Unregistered
Case No.: 2011-001999
Summary: The Board reviewed the complaint filed against Mr. Mullet by the Board and his response to the complaint. This complaint alleged that Mr. Mullet performed electrical work without a permit or inspections and was offering electrical contracting services without the proper registration.
- Action:** A motion was made, seconded, and carried to issue a Cease and Desist Order to Matt Mullett for offering to perform and performing electrical work without the proper licensure and registration.
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- Subject:** Terry Neuberger, ME 26460
Case No.: 2011-002188
Summary: The Board reviewed the complaint filed against Mr. Neuberger by the Board and information regarding his failure to respond to the complaint. This complaint alleged that Mr. Neuberger failed to respond to a Board investigation.
- Action:** A motion was made, seconded, and carried to refer to executive session for possible discipline.
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- Subject:** Clent Wallace, Unregistered
Case No.: 2011-002246
Summary: The Board reviewed the complaint filed against Mr. Wallace by the Board and his response to the complaint. This complaint alleged that Mr. Wallace was offering to perform and performing electrical contracting services without the proper registration.
- Action:** A motion was made, seconded, and carried to issue a Cease and Desist Order to Clent Wallace for offering to perform and performing electrical work without the proper licensure and registration.
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- Subject:** Alan D. Miller, ME 29557
Case No.: 2011-000788

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Summary: The Board reviewed the tabled complaint filed against Mr. Miller by the Board and information regarding his failure to respond to the complaint. This complaint alleged that Mr. Miller failed to properly install the electrical work and make corrections to the job at issue.

Action: A motion was made, seconded, and carried to issue a Letter of Admonition to Alan D. Miller for failure to properly install the electrical work and make corrections to the job at issue.

Subject: Alan D. Miller, ME 29557

Case No.: 2011-002628

Summary: The Board reviewed the complaint filed against Mr. Miller by Kristopher Krzysztofiak and information regarding Mr. Miller's failure to respond to the complaint. This complaint alleged that Mr. Miller failed to meet the generally accepted standards of the electrical practice by abandoning the job and performing electrical work without obtaining a permit or inspection.

Action: A motion was made, seconded, and carried to issue a Letter of Admonition to Alan D. Miller for failure to meet the generally accepted standards of the electrical practice and failure to obtain a permit in advance of the commencement of an installation.

D. Initial Decision

Subject: Alan D. Miller, ME 29557 – Office of Administrative Courts, EL 2010-0006

Case No.: 2009-001512 and 2009-002298

Summary: The Board reviewed the Administrative Law Judge's Initial Decision in the matter of disciplinary action against Alan D. Miller, ME 29557

Action: A motion was made, seconded, and carried to reject the hearing of oral arguments.

A motion was made, seconded, and carried to accept all the Findings of Fact.

A motion was made, seconded, and carried to accept all the Conclusions of Law.

A motion was made, seconded, and carried to reject the recommended sanction and revoke Alan D. Miller's master electrician's license, ME 29557.

A motion was made, seconded, and carried to direct disciplinary counsel to prepare the Final Agency Order by April 18, 2011.

E. Compliance Monitoring

1. Compliance with Board Order

Subject: Douglas M. Abernathy, cancelled APE 941341; JW pending

Case No.: 2008-003529

Summary: The Board reviewed information regarding Mr. Abernathy's violation of the terms of the September 22, 2008, Stipulation and Final Agency Order he signed with the Board. Mr. Abernathy failed to provide the required reports and respond to the Board's request to do so.

Action: A motion was made, seconded, and carried to hold Douglas M. Abernathy's stipulation in abeyance and place an alert on his record should there be future activity toward licensure.

Subject: Shane E. Bussard, Cancelled APE 21572, JW pending

Case No.: 2008-000799

Summary: The Board reviewed information regarding Mr. Bussard violation of the terms of the April 28, 2008, Stipulation and Final Agency Order he signed with the Board. Mr. Bussard failed to provide the required reports and respond to the Board's request to do so.

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Action: A motion was made, seconded, and carried to hold Shane E. Bussard's stipulation in abeyance and place an alert on his record should there be future activity toward licensure.

Subject: Ricky O. Dominguez, JW 105263, cancelled APE 960624
Case No.: 2008-003782

Summary: The Board reviewed information regarding Mr. Dominguez' violation of the terms of the November 24, 2008, Stipulation and Final Agency Order he signed with the Board. Mr. Dominguez failed to provide the required reports and respond to the Board's request to do so.

Action: A motion was made, seconded, and carried to table pending proof of Ricky O. Dominguez' release from probation.

Subject: Michael S. Furlong, JW 111499, cancelled APE 992478
Case No.: 2009-000138

Summary: The Board reviewed information regarding Mr. Furlong's violation of the terms of the January 16, 2009, Stipulation and Final Agency Order he signed with the Board. Mr. Furlong failed to provide the required reports and respond to the Board's request to do so.

Action: A motion was made, seconded, and carried to initiate a complaint against Michael S. Furlong for violation of a Board Order.

Subject: Anthony Gaupel, JW 11542, cancelled APE 34399
Case No.: 2009-001055

Summary: The Board reviewed information regarding Mr. Gaupel's release from the Department of Corrections and discharged from parole on January 16, 2009.

Action: A motion was made, seconded, and carried to approve Anthony Gaupel's request for release from Board probation and probation requirements.

Subject: Jeremy P. Haley, suspended APE 31779, JW pending
Case No.: 2010-004361

Summary: The Board reviewed information regarding Mr. Haley's violation of the terms of the July 29, 2010, Stipulation and Final Agency Order he signed with the Board. Mr. Haley failed to provide the required reports and respond to the Board's request to do so.

Action: A motion was made, seconded, and carried to hold Jeremy P. Haley's stipulation in abeyance and place an alert on his record should there be future activity toward licensure.

Subject: Justin D. Hoyt, JW 110891, cancelled APE 30531
Case No.: 2009-003744

Summary: The Board reviewed Mr. Hoyt's request for early termination of Board probation and information regarding his release from court probation on January 12, 2011.

Action: A motion was made, seconded, and carried to approve Justin D. Hoyt's request for early release from Board probation and probation requirements.

Subject: Dustin J. Ortega, JW 112426, cancelled APE 991465
Case No.: 2010-004365

Summary: The Board reviewed information regarding Mr. Ortega's violation of the terms of the July 12, 2010, Stipulation and Final Agency Order he signed with the Board. Mr. Ortega failed to provide the required reports and respond to the Board's request to do so.

Action: A motion was made, seconded, and carried to initiate a complaint against Dustin J. Ortega for violation of a Board Order.

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- Subject:** James E. Quilter, Jr., cancelled APE 31553, RW pending
Case No.: 2008-000107
Summary: The Board reviewed information regarding Mr. Quilter's violation of the terms of the October 22, 2007, Stipulation and Final Agency Order he signed with the Board. Mr. Quilter failed to provide the required reports and respond to the Board's request to do so.
Action: A motion was made, seconded, and carried to hold James E. Quilter, Jr.'s stipulation in abeyance and place an alert on his record should there be future activity toward licensure.
- Subject:** Rych Electric Inc., EC 7615
Case No.: 2009-003753
Summary: The Board reviewed information regarding educational courses completed by Brad Christianson, President for Rych Electric Inc. to meet the terms of the December 10, 2009 Stipulation and Final Agency Order the company signed with the Board.
Action: A motion was made, seconded, and carried to accept the courses and lift Rych Electric, Inc. from Board probation and probation requirements.
- Subject:** Shaun R. Satterfield, APE 970879, RW pending
Case No.: 2008-002394
Summary: The Board reviewed information regarding Mr. Satterfield's violation of the terms of his April 7, 2008, Stipulation and Final Agency Order he signed with the Board. Mr. Satterfield failed to provide the required reports and respond to the Board's request to do so.
Action: A motion was made, seconded, and carried to initiate a complaint against Shaun R. Satterfield for violation of a Board Order.

2. Quarterly Reports

The following Quarterly Reports were reviewed and voted on as noted.

- Subject:** Ralph Signorelli, ME 4325
Case No.: 2006-002205
Action: A motion was made, seconded, and carried to accept the third and fourth (final) reports and lift the Board probation and probation requirements on Ralph Signorelli's master license.
- Subject:** Thomas M. Aherns, JW 109894
Case No.: 2009-002582
Action: A motion was made, seconded, and carried to accept the report.
- Subject:** Gregory R. Bauer, JW 11349
Case No.: 2009-003516
Action: A motion was made, seconded, and carried to accept the final report and lift the Board probation and probation requirements on Gregory R. Bauer's journeyman license.
- Subject:** John P. Engelbrecht, JW 111455, cancelled APE 36692
Case No.: 2009-001958
Action: A motion was made, seconded, and carried to accept the final report and lift the Board probation and probation requirements on John P. Engelbrecht's journeyman license.

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Subject: Kenneth N. Parris, JW 10764
Case No.: 2007-002764
Action: A motion was made, seconded, and carried to accept the report.

Subject: Brandon W. Walters, JW 110453
Case No.: 2006-003333
Action: A motion was made, seconded, and carried to accept the report.

F. Request for Board Direction

Subject: Tradesmen International, Inc., EC 8097
Summary: The Board reviewed a request of Tradesmen International, Inc. to back-date the registration of their apprentices. In conjunction with this review the Board considered §12-23-101(1.5) and (1.7), C.R.S., to determine if Tradesmen International, Inc. met the definition of an electrical contractor.
Action: A motion was made, seconded, and carried to table for additional information from Tradesmen International, Inc.

VII REVIEW OF APPLICATIONS

Business: William R. Campbell, Master Application
Summary: The Board reviewed Mr. Campbell's application for a master electrician's license. Mr. Campbell revealed in a letter he submitted with his application that he has been disciplined by the Washington State Licensing Board.
Action: A motion was made, seconded, and carried to approve William R. Campbell's application for the master examination.

Business: Albert E. Wentz, Master Application
Summary: The Board reviewed Mr. Wentz' electrical experience and his application for the master examination.
Action: A motion was made, seconded, and carried to deny Albert E. Wenz' application for incomplete verification of experience.

VIII REVIEW OF REINSTATEMENTS

Business: Danny J. Archuleta, RW 78177, lapsed
Summary: The Board reviewed Mr. Archuleta's application for reinstatement of his residential wireman's license 78177. Mr. Archuleta revealed in this application that he continued to work as an unregistered apprentice electrician after his residential license lapsed February 28, 2007.
Action: A motion was made, seconded, and carried to deny Danny J. Archuleta's reinstatement application and refer to executive session for possible discipline.

Business: Steven O. Thompson, JW 4503, lapsed; JW 103030 active
Summary: The Board reviewed Mr. Thompson's application for reinstatement of his journeyman electrician's license. Mr. Thompson revealed in this application that he continued to work as an electrician after his license lapsed February 28, 2001.
Action: A motion was made, seconded, and carried to take no action.

IX EXECUTIVE SESSION

At 12:35 p.m., Board Chair, Loren Priest, moved that the Board enter into executive session for the purpose of discussing disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, or receiving legal advice on specific legal questions, pursuant to

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Colorado Revised Statutes section 24-6-402(3)(a)(II), including discussion with legal counsel regarding:

- Compliance with a Board order of Daniel Hardin, Jr. including medical data, which information is required to be kept confidential under Colorado Revised Statutes section 24-72-204(3)(a)(I);
- The legal basis for potential disciplinary action, and, where warranted, recommended settlement guidance for matters discussed in open session today and referred to executive session.
- The Reports of Investigation regarding Case numbers 2011-001680 and 2011-001681;
- The Case Status Report of the Office of Expedited Settlement and settlement issues, counteroffers, and other legal questions pertaining to the following open cases referred to the Office of Expedited Settlements: Davis Condreay and Gregory Hull; and
- The Case Status Report of the Office of the Attorney General and settlement issues, counteroffers and other legal questions pertaining to the following open cases referred to and referred to the Office of the Attorney General: Bruce Ganter.

The motion was seconded by Jerry Coffee and unanimously carried with eight members in attendance, eight voting. At least two-thirds of the entire membership of the Board voted in favor of the motion.

The Board returned to open session at 1:51 p.m.

X OTHER BUSINESS

1. Request for Board Review

Business: Daniel N. Hardin, Jr., APE 950426, RW pending

Case: 2008-000533

Summary: In executive session, the Board reviewed the current status of Mr. Hardin's Stipulation and Final Agency Order he signed with the Board and information regarding his medical situation.

Action: A motion was made, seconded, and carried in open session to lift probation and probation requirements on Daniel N. Hardin, Jr. on this case

Business: Daniel N. Hardin, Jr., APE 950426, RW pending

Case: 2011-002236

Summary: In executive session, the Board reviewed the current status of Mr. Hardin's Stipulation and Final Agency Order he signed with the Board and information regarding his medical situation.

Action: A motion was made, seconded, and carried in open session to lift probation and probation requirements on Daniel N. Hardin, Jr. on this case.

2. Report of Investigation

Business: Joseph G. Harding, Unregistered

Case: 2011-001680

Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Mr. Harding by the Board. This complaint alleged that Mr. Harding advertised to perform electrical services without the proper licensure and registration.

Action: Based on information reviewed, a motion was made, seconded, and carried in open session to initiate a complaint against Donald Kuntz for possible law violation.

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XI ADJOURNMENT

With all business completed, the meeting was adjourned at 1:58 p.m. The next meeting is scheduled for Monday, May 23, 2011 at 9:00 a.m.

Approved by: Loren R. Priest, Chair

Date: May 23, 2011