

# **RECORD OF PROCEEDINGS**

## **MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD AT 1560 BROADWAY, SUITE 1550, DENVER, COLORADO ON MONDAY, May 19, 2008**

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

### **I MEETING - CALL TO ORDER:**

Board Chair Richard Brinkley called the meeting to order at 9:30 AM.

### **II RECOGNITION OF MEMBERS PRESENT:**

Richard Brinkley	Electrical Utility, Board Chair
Jeff Pagnard	Building Official, Board Vice Chair
Melissa Browning-Sletten	Electrical Utility
Jerry Coffee	Electrical Contractor
George Nightingale	Electrical Contractor
Loren Priest	Public Member
Clifford Rediger	Master Electrician
Terry Schneider	Master Electrician
Doug Tamminga	General Contractor

### **MEMBERS ABSENT:**

None

### **OTHERS PRESENT:**

Charles H. Adams	Program Director
Angeline Kinnaird Linn	Section Director
Stephen Conrad	Chief Inspector
Ofelia Duran	Office of Expedited Settlement
Betty Wytias	Assistant Attorney General
Lamidia Hayes	Complaint Analyst
Donna Norman	Complaints, Applications and Felony Analyst
Joyce J. Young	Enforcement Unit Supervisor
Marian Zabel	Administrative Assistant
Rulemaking Hearing	(testifying list is attached)

### **III APPROVAL OF PREVIOUS MEETING MINUTES:**

A motion was made to approve the minutes of the April 28, 2008, meeting as amended. The motion was seconded and unanimously carried.

### **IV GENERAL SESSION**

**Business:** Delegation of Authority to issue Cease and Desist Orders  
**Summary:** A proposal was reviewed to delegate authority to State Electrical inspectors to issue cease and desist orders to unlicensed individuals found installing electrical wiring. State inspectors will receive training and procedural guidelines before beginning this program.  
**Action:** A motion was made, seconded, and unanimously carried to delegate authority for state inspectors to issue Cease and Desist orders.

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### **V** RULEMAKING HEARING

The formal hearing was held at 10:00 a.m. pursuant to § 12-23-104 (2)(a) and (c), and § 24-4-103 of the Colorado Revised Statutes during which public testimony was received.

The Board reviewed the Rulemaking Notice dated March 26, 2008, the drafted rules filed with the Secretary of State on March 26, 2008, and published April 10, 2008, and the suggested modifications received during today's hearing.

After the hearing and the Board's deliberation, a motion was made to adopt the rules with the revisions, additions and deletions throughout Sections 2-10, and incorporate by reference the statements of basis and purpose and statutory authority to become effective July 1, 2008 \*.

Section 2	Code adoption
Section 3	Examinations and Applications
Section 4	Temporary Work Permits
Section 5	Licensure and Registration
Section 6	Permits and Inspections
Section 7	Declaratory Orders
Section 8	Enforcement
Section 9	Renewals and Reinstatements
Section 10	Licensee and Registrant Responsibilities

In addition, the Board finds that:

- The record of the rulemaking proceeding demonstrates the need for these regulations;
- The proper statutory authority exists for these regulations;
- To the extent practicable, the regulations are clearly and simply stated so that their meaning will be understood by any party required to comply with the regulations;
- The regulations do not conflict with other provisions of the law;
- The duplication or overlapping of the regulations are explained by the Board; and,
- The appropriateness and cost effectiveness of the proposed rules have been considered.

The motion was seconded and unanimously carried.

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\* Addendum: the effective date for the rules was changed to August 1, 2008, to allow for proper filing procedures.

### **VI** APPLICATION REVIEW

<b><u>Business:</u></b>	Guadalupe Mora Gonzales – JW 101088 – application for reinstatement
<b><u>Summary:</u></b>	The Board considered Guadalupe Mora Gonzales' application for the reinstatement of his journeyman license 101088. Mr. Gonzales self-disclosed his felony conviction and that he worked as an electrician after his license lapsed on February 28, 2003. Court records indicate the projected date for probation completion is August 4, 2008.
<b><u>Action:</u></b>	A motion was made to allow reinstatement and refer this matter for discipline. The motion was seconded and unanimously carried.

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## VII COMPLAINTS / DISCIPLINE

**Business:** Report of final agency actions – January 1, 2008, through March 31, 2008.

**Summary:** Cease and Desist Orders

- Robert P. Gilligan, apprentice
- Scott Thomas Zimmerman, apprentice

Citations Issued

- Jose Aceviz, apprentice
- Brendan Donahue, apprentice
- Danny Cantu, master
- Charles R. Clark, master
- Jesse L. Crookston, master
- Terry Neuberger, master
- Edward Seguin, residential

Stipulations

- Melvin Benjamin, Denke Jr., journeyman
- Travis Earl Marque, journeyman
- Cory E. Ott, journeyman
- David C. Pompa, journeyman
- Steven Eugene Banks Jr., master
- Dale E. Huesemann, master
- Kenneth E. Richardson, master

**Action:** A motion was made, seconded, and unanimously carried to ratify the report.

**Business:** Consent Agenda for Review of Quarterly Reports

**Action:** A motion was made, seconded, and unanimously carried to approve the following quarterly reports submitted through May 6, 2008:

Barela, Daniel P.	Keller, Donald E.	Semanik, Norman J.
Burkett, Bradley L.	Lyden, Joseph T.	Simmons, Rance G.
Cobo, Phillip Vincent	Mascarenas, Jason	Small, Kirk W.
Fink, John E.	Nash, Chadrick	Vigil, Valentine J.
Hainline, David B.	Parris, Kenneth N.	Young, Roland L.
Hodgson, Patrick T.	Payne, Daniel S.	Zdrojewski, Jay E.
Jeffers II, Rodney Lee	Roop, Michael Eugene	

**Additional  
Actions:**

The Board removed seven quarterly reports from the consent agenda for separate review. Motions were made, seconded, and unanimously carried to take the following actions:

- 1) Daly, Edward Ryan – approved report after discussion;
- 2) Jueschke, Edward A. – deny fourth report as incomplete, toll time, approve fifth report;
- 3) Lowery, Tony F. – accept fifth and sixth reports, toll time on sixth report, and deny written request to discontinue quarterly reporting;
- 4) Margheim, Terry Lee – approve report but deny request to terminate probation;
- 5) Miller, Benjamin M. – approve report after discussion;
- 6) Olesen, Zachary Seth – approve report and release from probation;
- 7) Oxford, John Nathaniel – approve report, toll time for late submittal, and approve request to take the examination when application is approved.

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**Business:** Initial complaint review with response  
**Case:** 2008-002456 Gregory S. Allen, AA Electric – ME 5130 / EC 4300  
**Summary:** The Board reviewed the complaint filed against Gregory S. Allen by Terry Schneider of Pikes Peak Regional Building Department (PPRBD). This complaint alleged that AA Electric has nineteen (19) permits open with the PPRBD and has not responded to efforts made to complete the inspection process. Board member Terry Schneider recused himself from discussion and vote and left the room. Consensus was that the local authority is responsible for oversight of this matter.  
**Action:** A motion was made, seconded, and unanimously carried to dismiss this complaint.

**Business:** Initial complaint review with response  
**Case:** 2008-002625 Jason Allen, TMC Electric, Inc. – ME 29317 / EC 6476  
**Summary:** The Board reviewed the complaint filed against Jason Allen by Bridget Robinson. This complaint alleged that Mr. Allen failed to complete electrical work at the Robinson residence located at CR 4694 Meadow LN 33 in Grand Lake, Colorado.  
**Action:** A motion was made, seconded, and unanimously carried to dismiss this matter due to lack of apparent license law violation.

**Business:** Initial complaint review - no response  
**Case:** 2008-000887 Arrow Heating and Air Conditioning – unlicensed  
**Summary:** The Board reviewed the complaint filed against Arrow Heating and Air Conditioning by Giles Schurman, Building Inspector for Broomfield. This complaint alleged that Arrow Heating and Air Conditioning installed electrical wiring without a license. Arrow Heating and Air Conditioning did not respond to this allegation.  
**Action:** A motion was made to issue a Cease and Desist Order to Arrow Heating and Air Conditioning. The motion was seconded and unanimously carried.

**Business:** Initial complaint review with response  
**Case:** 2008-002459 Christopher A. Bates, Jr. – unlicensed  
**Summary:** The Board reviewed the complaint filed against Christopher A. Bates, Jr. by Terry Schneider of PPRBD. This complaint alleged that Mr. Bates, Jr. advertised as an electrician on the website without a license. Board member Terry Schneider recused himself from discussion and vote and left the room.  
**Action:** A motion was made, seconded, and unanimously carried to issue a Cease and Desist Order to Christopher A. Bates, Jr.

**Business:** Initial complaint review – no response  
**Case:** 2008-002311 Jason Berry – unlicensed  
**Summary:** The Board reviewed the complaint filed against Jason Berry by the Colorado State Electrical Board. This complaint alleged that Mr. Berry performed electrical work without a license. Mr. Berry did not respond to this allegation.  
**Action:** A motion was made, seconded, and unanimously carried to issue a Cease and Desist Order to Jason Berry.

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**Business:** Initial complaint review – no response  
**Case:** 2008–002000 Chuck Bridwell – unlicensed  
**Summary:** The Board reviewed the complaint filed against Chuck Bridwell by David C. Vaughn of Pueblo Regional Building Department. This complaint alleged that Mr. Bridwell performed electrical work at 316 N. Longmont in Pueblo West without a license. Mr. Bridwell did not respond to this allegation.  
**Action:** A motion was made, seconded and unanimously carried to issue a Cease and Desist Order to Chuck Bridwell.

**Business:** Initial complaint review with response  
**Case:** 2008–002457 Robert D. Collins, Common Ground Electric – ME 4832 / EC 4127  
**Summary:** The Board reviewed the complaint filed against Robert D. Collins of Common Ground Electric by Terry Schneider of Pikes Peak Regional Building Department. This complaint alleged that Robert D. Collins has fifty-eight (58) permits dating from 1999 that have not been completed through the inspection process. Board member Terry Schneider recused himself from discussion and vote and left the room. Consensus was that the local authority is responsible for oversight of this matter.  
**Action:** A motion was made, seconded, and unanimously carried to dismiss this complaint.

**Business:** Initial complaint review with response  
**Case:** 2008–002434 Julian Cordova, Julian Electric – unlicensed  
**Summary:** The Board reviewed the complaint filed against Julian Cordova of Julian Electric by Steve Callahan. This complaint alleged that Julian Cordova's truck advertises that Julian Electric installs electrical wiring. Mr. Cordova is unlicensed.  
**Action:** A motion was made, seconded, and unanimously carried to issue a Cease and Desist Order to Julian Cordova.

**Business:** Initial complaint review – no response  
**Case:** 2008–001388 Gary Bradley Doughty – RW 77790  
**Summary:** The Board reconsidered the complaint filed by Stevan C. White against Gary Bradley Doughty for allegedly contracting and performing electrical work without obtaining a permit or inspection. The complaint was tabled at the January 28, 2008 meeting to obtain information from Shawn Hawk and Jason Berry about their involvement with Mr. Doughty. Neither Mr. Hawk nor Mr. Berry responded to the Board's inquiry.  
**Action:** A motion was made to refer this matter for discipline. The motion was seconded and unanimously carried.  
**Second Action:** Discussion took place in executive session leading to the unanimous decision in open session to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Business:** Initial complaint review – no response  
**Case:** 2008–002231 Charles G. Ellermeyer – APE 971465  
**Summary:** The Board reviewed the complaint filed against apprentice Charles G. Ellermeyer by Colorado State Electrical Inspector Ron Juul. This complaint alleged that Mr. Ellermeyer installed electrical wiring without the supervision of a licensed electrician. Mr. Ellermeyer did not respond to this allegation.  
**Action:** A motion was made to refer this matter for discipline. The motion was seconded and unanimously carried.

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**Business:** Initial complaint review – no response  
**Case:** 2008–000862 Ralph E. Evans, Jr., R and R Electric – ME 28007 / EC 6213  
**Summary:** The Board reviewed the complaint filed against Ralph E. Evans, Jr. of R and R Electric by Colorado State Electrical Inspector Richard Wyland. This complaint alleged that since Mr. Evans moved to North Carolina he is unable to provide supervision to apprentices working for his company. Mr. Evans, Jr. did not respond to this allegation.  
**Action:** A motion was made to refer this matter for discipline. The motion was seconded and unanimously carried.

**Business:** Initial complaint review with response  
**Case:** 2008–002875 Joseph Frasco, Lights on Broadway, Inc. – ME 25165 / EC 4575  
**Summary:** The Board reviewed the complaint filed against Joseph Frasco of Lights on Broadway, Inc. by Patrick Johnson of Eagle County Building Department. This complaint alleged that two unlicensed employees of Lights on Broadway, Inc. were observed installing electrical wiring without supervision.  
**Action:** A motion was made, seconded, and carried by majority vote to refer this matter for discipline.  
**Second Action:** Discussion took place in executive session leading to the unanimous decision in open session to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Business:** Initial complaint review with response  
**Case:** 2008–002946 Chester Gilliam, Wizard Works Security Systems – unlicensed  
**Summary:** The Board reviewed the complaint filed against Chester Gilliam of Wizard Works Security Systems, Inc. by Colorado State Electrical Inspector Supervisor Grant Hammett. This complaint alleged that Wizard Works Security Systems, Inc. installed electrical wiring without a permit, license, and registration.  
**Action:** A motion was made, seconded, and unanimously carried to issue a Cease and Desist Order to Chester Gilliam.

**Business:** Initial complaint review – no response  
**Case:** 2008–002312 Shawn Hawk – unlicensed  
**Summary:** The Board reviewed the complaint filed against Shawn Hawk by the Colorado State Electrical Board. This complaint alleged that Mr. Hawk engaged in the installation of electrical wiring without a license. Mr. Hawk did not respond to this allegation.  
**Action:** A motion was made, seconded, and unanimously carried to issue a Cease and Desist Order to Shawn Hawk.

**Business:** Initial complaint review with response  
**Case:** 2008–002871 Teddy S. Kennedy – ME 4910  
**Summary:** The Board reviewed the complaint filed against Teddy S. Kennedy by Terry Schneider of Pikes Peak Regional Building Department (PPRBD). This complaint alleged that Teddy S. Kennedy retains twenty-three (23) old permits with the PPRBD pending completion through the inspection process. Board member Terry Schneider recused himself from discussion and vote and left the room. Consensus was that the local authority is responsible for oversight of this matter.  
**Action:** A motion was made, seconded, and unanimously carried to dismiss this complaint.

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- Business:** Initial complaint review – no response  
**Case:** 2008–001811 Mike Lachner, MLB Electric LLC – unlicensed  
**Summary:** The Board reviewed the complaint filed against Mike Lachner of MLB Electric LLC by the Colorado State Electrical Board. This complaint alleged that Mr. Lachner advertised to install electrical wiring without a license. Mr. Lachner did not respond to this allegation.  
**Action:** A motion was made, seconded, and unanimously carried to issue a Cease and Desist Order to Mike Lachner.
- Business:** Initial complaint review with response  
**Case:** 2008–002870 Alfred Rick Madrigal II, Madrigal Handyman Service – RW 75620  
**Summary:** The Board reviewed the complaint filed against Alfred Rick Madrigal II of Madrigal Handyman Service by Darla and Lewis Bowen. This complaint alleged that Alfred Rick Madrigal II, Madrigal Handyman Service was advertising to install electrical wiring (contracting) without the proper license and registration.  
**Action:** A motion was made, seconded, and unanimously carried to table this matter in order to obtain the following information: 1) the name of the electrical contractor doing the work for Madrigal Handyman Service; 2) what permits were obtained in the last six months including the job addresses; and 3) the names of the five apprentices that were mentioned in the complaint including their registration numbers.
- Business:** Initial complaint review with response  
**Case:** 2008–002873 Kristopher A. Mahaffey, Kennedy Electric – ME 29317 / EC 6476  
**Summary:** The Board reviewed the complaint filed against Kristopher A. Mahaffey of Kennedy Electric, Inc. by Diane Lynch from the City of Westminster. This complaint alleged that Kennedy Electric, Inc. failed to supervise two employees Christopher Tinley and Nicholas House while they performed electrical work at the job site located at 2751 W 120<sup>th</sup> Avenue #300. Mr. Tinley is a registered electrical apprentice with Kennedy Electric. Mr. House is not registered as an electrical apprentice.  
**Action:** A motion was made, seconded, and unanimously carried to issue citations to Kristopher A. Mahaffey as follows:  
1) \$500 for two violations of § 12-23-110.5 (1)(3)(b), C.R.S., for failure to supervise an apprentice(s);  
2) \$150 for violation of § 12-23-110.5 (3), C.R.S., for failure of an electrical contractor to register an apprentice;  
3) \$200 for violation of § 12-23-118 (1)(k), C.R.S., for employment by an electrical contractor of an unlicensed person performing electrical wiring.  
**Second Action:** A motion was made, seconded, and unanimously carried to open a complaint against apprentice Christopher Tinley for working as an electrician without a license.  
**Third Action:** A motion was made, seconded, and unanimously carried to take the following actions against Nicholas House: 1) initiate a complaint for working as an electrician without a license; and 2) issue a Cease and Desist Order.
- Business:** Initial complaint review – no response  
**Case:** 2008–002460 Doug Meehan, Mtn Pro-Tek Handyman Services – unlicensed  
**Summary:** The Board reviewed the complaint filed against Doug Meehan of Mtn Pro-Tek Handyman Services by Jody Wagner. This complaint alleged that Mr. Meehan installed and advertised to install electrical work without a license and registration. Mr. Meehan did not respond to these allegations.  
**Action:** A motion was made, seconded, and unanimously carried to issue a Cease and Desist Order to Doug Meehan.

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**Business:** Initial complaint review with response  
**Case:** 2008-002872 David J. Noga, Noga Electric Inc. – ME 27933 / EC 6186  
**Summary:** The Board reviewed the complaint filed against David J. Noga, Noga Electric Inc. by Terry Schneider of Pikes Peak Regional Building Department (PPRBD). This complaint alleged that Mr. Noga retains nine (9) old permits with the PPRBD pending completion through the inspection process. Board member Terry Schneider recused himself from discussion and vote and left the room. Consensus was that the local authority is responsible for oversight of this matter.  
**Action:** A motion was made, seconded, and unanimously carried to dismiss this complaint.

**Business:** Initial complaint review with response  
**Case:** 2008-002363 David Peterson, Dave Peterson Electric – ME 2652 / EC 5003  
**Summary:** The Board reviewed the complaint filed against David Peterson of Dave Peterson Electric, Inc. by Glenn L. Padgett of Eagle County Building Division. This complaint alleged that metal clad (MC) cable was painted and installed into a metal box by Dave Peterson Electric.  
**Action:** A motion was made, seconded, and unanimously carried to dismiss this matter for no code violation.

### **VIII EXECUTIVE SESSION**

A motion was made for the Board to go into executive session pursuant to section § 24-6-402 (3)(a)(II) and (III), C.R.S., for the sole purpose of considering disciplinary matters which are subject to attorney-client privilege, other matters which are subject to attorney-client privilege, and matters which are required to be kept confidential. The motion was seconded and unanimously carried.

Attorney-client items were considered in executive session from 2:58 PM to 4:13 PM. By unanimous agreement, the Board went out of executive session.

### **IX OTHER BUSINESS**

Appreciation plaques were presented by Charles H. Adams to three retiring Electrical Board Members: Richard Brinkley, Chair and Electrical Utility appointed member for having served the Board since July 2000; Douglas Tamminga, General Contractor appointed member for having served the Board since June 2001; and, Vice-Chair Jeffrey Pagnard, Building Official appointed member for having served the Board since July 2002.

With all business completed, the meeting was adjourned at 4:15 PM. The next meeting is scheduled on Monday, June 23, 2008 at 9:30 AM via telephone conference.

*Approved by: Jeffrey L. Pagnard, Acting Chair*

*Date: June 23, 2008*

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## **EXECUTIVE SESSION ATTESTATION May 19, 2008**

Pursuant to § 24-6-402 (2)(d.5)(I)(B), C.R.S., I attest that the portion of the executive session that was not recorded was confined to a discussion of the topics identified in the motion authorizing the Colorado State Electrical Board to convene in executive session.

*Approved by: Jeffrey L. Pagnard, Acting Chair*

*Date: June 23, 2008*

Pursuant to § 24-6-402 (2)(d.5)(I)(B), C.R.S., a portion of this executive session was not recorded because the discussion constituted a privileged attorney-client or work product communication.

*Approved by: Betty J. Wytias, Assistant Attorney General*

*Date: June 23, 2008*