

RECORD OF PROCEEDINGS

MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD AT 1560 BROADWAY, STE 1250C, DENVER, COLORADO ON Monday, July 25, 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 George Nightingale called the meeting to order at 9:00 a.m.

II RECOGNITION OF MEMBERS PRESENT

George A. Nightingale	Electrical Contractor, Chair
Robin L. Kittel	Electrical Utility, Vice-Chair
Scott W. Berg	Building Official
Rory Berumen	Journeyman Electrician
Jerry L. Coffee	Electrical Contractor
Michael E. Dell'Orfano	Public Member
John T. McCord, III	Master Electrician
Nancy K. White	Public Member

MEMBERS ABSENT

Thomas B. Fox	General Contractor
---------------	--------------------

OTHERS PRESENT

Mark Browne	Program Director
Stephen Conrad	Chief Inspector
Joyce J. Young	Enforcement Unit Supervisor
Marian Zabel	Administrative Assistant
Laurie Rose	Office of Expedited Settlement
John J. Roberts, Esq.	Assistant Attorney General
Skip Spear, Esq.	Senior Assistant Attorney General
Kevin Huff	Investigator, Office of Investigations
Les Roberts	Investigator, Office of Investigations
Corey Everett-Lozano	Continuing Competency Manager

III PREVIOUS BOARD MEETING MINUTES

A motion was made, seconded, and carried to approve the minutes of the May 23, 2011, meeting, as amended.

IV REPORTS FOR RATIFICATION

A. Review of Report of Final Agency Actions – May 3, 2011 through July 5, 2011

Citations Issued

- | | |
|------------------------------|------------------------|
| 1. Reginald M. Nash, Jr. APE | 4. Ryan J. Janness, JW |
| 2. Lei Companies, Inc., EC | 5. Justin Martin, ME |
| 3. William B. English II, JW | |

Cease and Desist Orders

- | | |
|--|---|
| 1. World Wide Electric, Unlicensed | 4. Burns Electric, Unlicensed |
| 2. Active Energies Solar LLC, Unlicensed | 5. Hydro Construction Company, Unlicensed |
| 3. Drywall Repair, Unlicensed | 6. Bruce Kolbe, Unlicensed |
| | 7. David M. Johnson, APE |

RECORD OF PROCEEDINGS

8. Richard A. Kauffman, APE

Finalized Letters of Admonition (LOA) *

1. Waymonn K. Boston, JW

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

Revocations

1. Joseph G. Harding, APE

Stipulations

1. Jeffrey J. Heintz, JW

5. Bruce C. Ganter, ME

2. Paul D. Hernandez, JW

6. Todd Johnson, ME

3. Christopher M. Marquez, JW

7. Danny J. Archuleta, RW

4. John R. Rounds, JW

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

B. Felony Audit Progress Report

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

V STAFF COMMENTS

Program Director, Mark Browne introduced two new Electrical Board members, Nancy K. White and John T. McCord III.

Mr. Browne presented retiring Board member Jose Amaya with an appreciation plaque for his service on the Board since August 2008. Mr. Amaya was specifically thanked for his involvement with the Continuing Competency Program.

Chief Inspector, Steve Conrad, updated the Board regarding HB11-1199 concerning limits on fees for the approval of the installation of solar energy devices.

Mr. Conrad further stated that two state inspector positions are currently open. Several applications have been received and the interview process will take place later in the week.

Mr. Conrad stated that Inspector Supervisor, Grant Hammett will travel to Boston to attend the NFPA Electrical Inspector's Forum to participate in code and inspection issues on July 28-29, 2011. In addition, Mr. Conrad will travel to Des Moines to attend the National Electrical Reciprocal Alliance (NERA) Meeting to discuss the Colorado Continuing Competency blueprint.

Mr. Conrad provided early statistics on the CC Assessment Program. At this point, approximately 70% of those that have completed the Assessment will be required to obtain one or more Professional Development Units.

Continuing Competency Manager, Cory Everett-Lozano provided several updates:

- The CC program has been successfully initiated. Some complaints have been received concerning the required travel to Pearson Vue for the Individual Assessment. Also, some feedback has been received regarding codebook guidelines requiring unmarked books (no notes). And finally, some positive comments were received about timely license renewal once the Assessment has been completed with the understanding that any Professional Development Units (PDU's) required must be completed within three years (prior to the next renewal cycle).
- The reservation system for the CC Individual Assessment at Pearson Vue, which initially started with a few speed bumps, appears to have been resolved.

RECORD OF PROCEEDINGS

- DORA's technology solution, the CC Portal (where a licensee can gain access to their Individual Assessment and track their learning plan), is behind schedule for implementation. However, the mid-August licensing renewal schedule is on track.
- To this point, Board staff has processed eight military exemptions to the CC Individual Assessment Program with an additional ten requests received last week. The majority of the requests for exemption are military subcontractors working in either Iraq or Afghanistan.

VI HEARINGS

A. Rulemaking Hearing – Revise and Adopt Board Rules

The formal hearing was held 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 May 24, 2011, the drafted rules filed with the Secretary of State on May 25, 2011, and published in the June 10, 2011, issue of the Colorado Register, and the suggested modifications received during today's hearing.

Following the hearing and the Board's deliberation, a motion was made, seconded, and carried to adopt the rules with the revisions, additions, and deletions, and incorporate by reference the statements of basis and purpose and statutory authority to become effective September 15, 2011.

Section 8 Enforcement
Rule 8.1

Section 9 Renewals and Reinstatements
Rule 9.7(m) Hardship

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.

B. Hearing to Show Cause

Subject: Pikes Peak Regional Building Department (PPRBD)

Case No.: 2011-004002

Summary: The Board reviewed the tabled complaint filed against Pikes Peak Regional Building Department by the Board and PPRBD's response to an Order to Show Cause, issued by the Board, as to why a Cease and Desist Order should not be issued. The complaint alleged that PPRBD is providing directives to electrical contractors that fail to meet the minimum standards of the NEC adopted by the Board.

Executive Session – Possible Disciplinary Action, PPRBD

At 9:45 a.m. Board Chair, George Nightingale, moved that the Board enter into executive session for the purpose of receiving legal advice from Senior Assistant Attorney General Skip Spear, acting as conflicts counsel, regarding

RECORD OF PROCEEDINGS

Case Number 2011-004002, In the Matter of Pikes Peak Regional Building Department, pursuant to Colorado Revised Statutes section 24-6-402(3)(a)(II).

The motion was seconded by Scott Berg 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 10:00 a.m. and received testimony from the audience.

Action: A motion was made, seconded, and carried, to issue a Cease and Desist Order (CDO) to Pikes Peak Regional Building Department (PPRBD) for failure to enforce 210.12(b) of the 2008 NEC and for failure to adopt or adhere to the minimum standards required by Article 23 of Title 12, C.R.S. The CDO should also state that PPRBD should fully enforce the adopted NEC code and only consider variance requests to the code on a case by case basis. The Board further requested that PPRBD provide a list of all of the addresses where this code requirement was not met since the Board's adoption of the 2008 NEC on July 1, 2008.

VII REVIEW OF BOARD BUSINESS

A. Complaints Review

Subject: Front Range Electric, Inc., EC 7322

Case No.: 2011-001633

Summary: The Board reviewed the tabled complaint filed against Front Range Electric, Inc. by the Board and the response provided by the company's owner and master of record, Petr Bukhalo. This complaint alleged that the company performed electrical work without obtaining a permit and inspection.

Action: A motion was made, seconded, and carried to issue a Letter of Admonition to Front Range Electric, Inc. for failure to obtain a permit in advance of the commencement of an installation.

Subject: Absolute Power, EC 4499

Case No.: 2011-003493

Summary: The Board reviewed the complaint filed against Absolute Power by Lisa Medina and information regarding the company's failure to respond to the complaint. This complaint alleged that the company failed to meet the generally accepted standards of the electrical practice.

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

Subject: Salvador Hernandez, Cancelled APE 940431

Case No.: 2011-004217

Summary: The Board reviewed the complaint filed against Mr. Hernandez by Lisa Medina and information regarding his failure to respond to the complaint. This complaint alleged that Mr. Hernandez provided electrical work without the proper licensure.

Action: A motion was made, seconded, and carried to refer this case to the Office of the Attorney General for a permanent injunction.

Based on information reviewed, a motion was made, seconded, and carried to initiate a complaint against Leroy Witkop for failure to maintain supervisory control.

RECORD OF PROCEEDINGS

- Subject:** C & D Home Renovation, Unregistered
Case No.: 2011-003492
Summary: The Board reviewed the complaint filed against C & D Home Renovation by the Board and the company's response to the complaint. This complaint alleged that the company was advertising to perform electrical contracting services without the proper registration.
Action: A motion was made, seconded, and carried to issue a Cease and Desist Order to C & D Home Renovation for advertising to perform electrical work without the proper registration.
- Subject:** Edison Electrical Contractors, EC 5648
Case No.: 2011-003839
Summary: The Board reviewed the complaint filed against Edison Electrical Contractors by the Board and information regarding the company's failure to respond to the complaint. This complaint alleged that the company failed to register an apprentice.
Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.
- Subject:** Joseph G. Harding, Revoked APE 29258
Case No.: 2011-001680
Summary: The Board reviewed the complaint filed against Mr. Harding by the Board and his response to the complaint. This complaint alleged that Mr. Harding was advertising to perform electrical contracting services (on Craigslist) without the proper licensure or registration.
Action: A motion was made, seconded, and carried to dismiss the case as being without merit.
- Subject:** Donald P. Kuntz, ME 28203
Case No.: 2011-004034
Summary: The Board reviewed the complaint filed against Mr. Kuntz by the Board and his response to the complaint. This complaint alleged that Mr. Kuntz may have furnished his master license to Joseph G. Harding to perform electrical work.
Action: A motion was made, seconded, and carried to dismiss the case as being without merit.
- Subject:** Hector L. Leal, Cancelled APE 992855
Case No.: 2011-003495
Summary: The Board reviewed the complaint filed against Mr. Leal by Elisabeth Hensley and Charles Unrue, and information regarding Mr. Leal's failure to respond to the complaint. This complaint alleged that Mr. Leal was advertising to perform and performing electrical contracting services without the proper registration.
Action: A motion was made, seconded, and carried to combine this case with case 2011-004078 and refer to the Office of the Attorney General for a permanent injunction.
- Subject:** Hector L. Leal, Cancelled APE 992855
Case No.: 2011-004078
Summary: The Board reviewed the complaint filed against Mr. Leal by the Board, and information regarding Mr. Leal's failure to respond to the complaint. This

RECORD OF PROCEEDINGS

Action: complaint alleged that Mr. Leal contracted electrical work without the proper registration and performed work with a permit obtained by a homeowner. A motion was made, seconded, and carried to combine this case with case 2011-003495 and refer to the Office of the Attorney General for a permanent injunction.

Subject: Dustin J. Ortega, JW 112426
Case No.: 2011-004443
Summary: The Board reviewed the complaint filed against Mr. Ortega by the Board and his response to the complaint. This complaint alleged that Mr. Ortega violated the terms of the July 12, 2010, Final Agency Order he signed with the Board by failing to timely submit his quarterly reports.

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

Subject: Guadalupe B. Saucedo, JW 10797
Case No.: 2011-003946
Summary: The Board reviewed the complaint filed against Mr. Saucedo by Curtis T Hansen and Mr. Saucedo's response to the complaint. This complaint alleged that Mr. Saucedo was advertising to perform electrical contracting services without the proper registration.

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

Subject: Tradesmen International, Inc. EC 8097
Case No.: 2012-000048
Summary: The Board reviewed the complaint filed against Tradesmen International, Inc. by the Board and the company's response to the complaint. This complaint alleged that the company may not meet the statutory definition to act in the capacity of an electrical contractor.

Action: A motion was made, seconded, and carried to table action.

Subject: Lance Watson, RW 78479
Case No.: 2011-001681 and 2011-003509
Summary: The Board reviewed the complaints filed against Mr. Watson by the Board and Mr. Watson's response to the complaint. This complaint alleged that Mr. Watson was advertising (on Craigslist) to perform electrical contracting services without the proper registration.

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

Subject: Winter Park Electrical Service, EC 1810
Case No.: 2011-003791
Summary: The Board reviewed the complaint filed against Winter Park Electrical Service by the Board and the response provided by the company's master electrician of record, John L. Durand. This complaint alleged that the company allowed an employee to practice at the electrical trade without the proper licensure.

Action: A motion was made, seconded, and carried to table for additional information.

B. Compliance Monitoring

Subject: Brandon W. Walters, JW 110453
Case No.: 2006-003333

RECORD OF PROCEEDINGS

Summary: The Board reviewed Mr. Walters' final quarterly report and request for termination of Board ordered probation.

Action: A motion was made, seconded, and carried to accept the final report and lift the Board probation and probation requirements on Brandon W. Walter's journeyman license.

C. Request for Adoption of Board Policy

Subject: 08-2 Regarding Experience Review

Summary: The Board reviewed Policy 08-2 for inclusion into the current Board Policies. The purpose of this policy is to clarify the calculation of practice experience to qualify for all levels of electrical licensure.

Action: A motion was made, seconded, and carried to adopt the Board Policy 08-2 to become effective July 25, 2011.

VIII EXECUTIVE SESSION

At 12:47 p.m., Board Chair, George Nightingale, 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 Colorado Revised Statutes section 24-6-402(3)(a)(II), including discussion with legal counsel regarding:

- 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 2011-001699, 2011-003678, 2011-001677; 2011-002909; 2011-003205, 2011-002986, and 2011-002186;
- 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, Leonard Ware;
- The Case Status Report of the Office of the Attorney General;

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 1:42 p.m.

IX OTHER BUSINESS

Business: Review of Report of Investigation

Case: 2011-001699 Chavez Construction, Unregistered

Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Chavez Construction by the Board. This complaint alleged that the company advertised (on a utility truck) to perform electrical services without the proper registration.

Action: After discussion in executive session, a motion was made, seconded, and carried in open session to issue a Cease and Desist Order to Chavez Construction for advertising to contract electrical work without the proper registration.

Business: Review of Report of Investigation

Case: 2011-002909 Jason Hull, APE 45187

Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Jason Hull by Scott Seela. This complaint alleged that Mr. Hull was advertising (on Craigslist) to perform electrical contracting services without the proper registration.

RECORD OF PROCEEDINGS

Action: After discussion in executive session, a motion was made, seconded, and carried in open session to combine this case with case 2011-003205 and issue a Cease and Desist Order to Jason Hull for offering to perform electrical work without the proper registration.

Business: Review of Report of Investigation

Case: 2011-003205 Jason Hull, APE 45187

Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Jason Hull by Scott Seela. This complaint alleged that Mr. Hull was advertising (on Craigslist) to perform electrical contracting services without the proper registration.

Action: After discussion in executive session, a motion was made, seconded, and carried in open session to combine this case with case 2011-002909 and issue a Cease and Desist Order to Jason Hull for offering to perform electrical work without the proper registration.

Business: Review of Report of Investigation

Case: 2011-004986 Eric Lanzieri, Unregistered

Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Mr. Lanzieri by Sue Cramer. This complaint alleged that Mr. Lanzieri was advertising (on Craigslist) to perform electrical contracting services without the proper registration.

Action: After discussion in executive session, a motion was made, seconded, and carried in open session to issue a Cease and Desist Order to Eric Lanzieri for offering to perform electrical work without the proper registration.

Business: Review of Report of Investigation

Case: 2011-002186 Kirt C. Padilla, Unregistered

Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Mr. Padilla by Scott Seela. This complaint alleged that Mr. Padilla was advertising (on Craigslist) to perform electrical contracting services without the proper registration

Action: After discussion in executive session, a motion was made, seconded, and carried in open session to issue a Cease and Desist Order to Kirt C. Padilla for offering to perform electrical work without the proper registration.

Business: Expedited Settlement Process (ESP) - counteroffer on disciplinary action

Case: 2011-003294 Leonard M. Ware, JW 107340

Summary: At the January 24, 2011 meeting, the Board voted on case 2011-003294 against Mr. Ware to deny reinstatement of his journeyman license for working after his license lapsed. In a memorandum dated June 14, 2011, the Office of Expedited Settlement Process notified the Board that Mr. Ware submitted a counteroffer for consideration dated June 13, 2011.

Action: Based on the information reviewed, a motion was made, seconded, and carried to dismiss the case as being without merit.

X ADJOURNMENT

With all business completed, the meeting was adjourned at 1:47 p.m. The next meeting is scheduled for Monday, September 26, 2011 at 9:00 a.m.

Approved by: George A. Nightingale, Chair

Date: September 26, 2011