

RECORD OF PROCEEDINGS

MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD AT 1560 BROADWAY, SUITE 1550, DENVER, COLORADO ON MONDAY, October 23, 2006.

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 a.m.

II RECOGNITION OF MEMBERS PRESENT:

Richard Brinkley	Electrical Utility, Board Chair
Michael Eckstine	Electrical Contractor
George Nightingale	Electrical Contractor
Jeff Pagnard	Building Official, Board Vice Chair
Clifford Rediger	Master Electrician
Terry Schneider	Master Electrician
Doug Tamminga	General Contractor
Dave Wynkoop	Electrical Utility

MEMBERS ABSENT:

Loren Priest	Public Member
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OTHERS PRESENT:

Larrel Scott	Program Director
Angeline Kinnaird Linn	Section Director
Steve Conrad	State Electrical Inspector Supervisor
Pamela Sanchez	Assistant Attorney General
David Sexton	Office of Investigations
Ofelia Duran	Office of Expedited Settlement
Lamidia Hayes	Complaint Analyst
Donna Norman	Complaints, Applications and Felony Analyst
Marian Zabel	Minutes Recorder

III APPROVAL OF PREVIOUS MEETING MINUTES:

A motion was made to approve the minutes of the September 25, 2006 meeting. The motion was seconded and unanimously carried.

IV STAFF COMMENTS

Larrel Scott addressed the Board with the news that he had tendered his resignation and that this will be his last meeting with the Board as Program Director.

Section Director, Angeline Kinnaird Linn stated that no replacement has been hired but the selection process will begin shortly.

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V GENERAL SESSION

Business: Proposed reinstatement policy
Summary: Ms. Kinnaird Linn provided the Board copies of a proposed Board policy on disciplinary action when a licensee or registrant is found to have been practicing under a lapsed status. The Board attorney, Pamela Sanchez and Ms. Kinnaird Linn will collaborate on the appropriate wording of this policy. No action necessary.

Business: Proposed retention policy on Confidential Letters of Concern
Summary: A second policy concerning the retention of Confidential Letters of Concern was presented to the Board for consideration as follows:

It is the policy of the Colorado State Electrical Board that files in which a confidential letter of concern has been issued to a licensee or registrant be retained in the board's files for a period of five years. After five years from the date of the confidential letter of concern, the file will be treated as a dismissed file and disposed of similarly. If the licensee or registrant has other active cases pending at the end of the five-year retention period, the confidential letter of concern may be kept for a longer period of time at the discretion of board staff.

Action: After discussion, a motion was made, seconded and unanimously carried to approve this policy.

Business: Town of Red Cliff - resolution to assume local responsibility for inspections
Summary: Mayor Ramon Montoya submitted a resolution to the State Electrical Board for consideration. The resolution was to assume local responsibility for electrical permits and inspections for the Town of Red Cliff and withdraw from the state program effective October 1, 2006.

Action: A motion was made, seconded and unanimously carried to deny the original request for withdrawal from the state program on October 1, 2006 but to approve the Town of Red Cliff to assume local responsibility effective July 1, 2007.

VI COMPLAINTS / DISCIPLINE

Business: The Office of Expedited Settlement (OES) - Status Report
Summary: Ofelia Duran from OES provided Board members with the current case status report dated October 6, 2006 for complaints referred for disciplinary action. Ms. Duran notified the Board that two additional cases have been closed since the date of this report.

Action: No action necessary.

Business: Report of Investigation, Investigator David Sexton
Case: 2006-002210 Douglas R. Stough / DSE, Inc. - ME 26726 / EC 5582
Summary: The Board met with Investigator David Sexton to review case 2006-002210 involving respondent Douglas R. Stough. The original complaint concerns issues of alleged substandard practice and failure to meet the generally accepted standards of electrical practice at three cited residences. Investigator Sexton was unable to verify the allegations through his investigation including his interview with Electrical Inspector Kelly Stockwell.

Action: A motion was made to dismiss this complaint with no apparent violation. The motion was seconded and unanimously carried.

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Business: Compliance with Stipulation and Final Agency Order (FAO)
Case: 2004-000664 Norbert Bendl - RW 1685
Summary: The Board reviewed Norbert Bendl's 6th and final quarterly report that was dated October 2, 2006 and noted that Mr. Bendl complied with all the terms of his Stipulation and FAO.
Action: A motion was made to accept his report and release Mr. Bendl from this Stipulation and FAO. The motion was seconded and unanimously carried.

Business: Compliance with Stipulation and Final Agency Order (FAO)
Case: 2005-001109 Jeromy Bastrisky - JW 101925
Summary: The Board reviewed Jeromy Bastrisky's 6th quarterly report that was received September 28, 2006 in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Bastrisky's report. The motion was seconded and unanimously carried.

Business: Compliance with Stipulation and Final Agency Order (FAO)
Case: 2006-001134 Hanson Electric / Meldon Hanson - EC 4029 / ME 2599
Summary: The Board reviewed Hanson Electric's and Meldon Hanson's first quarterly report that was dated July 15, 2006 in compliance with the Stipulation and FAO.
Action: A motion was made, seconded and unanimously carried to accept the Hanson Electric and Meldon Hanson report.

Business: Compliance with Stipulation and Final Agency Order (FAO)
Case: 2006-002127 Joseph Koldeway - APE 33210
Summary: The Board reviewed Joseph Koldeway's first quarterly report that was dated September 1, 2006 in compliance with his Stipulation and FAO. Staff reported that Mr. Koldeway paid his fine.
Action: A motion was made to accept Mr. Koldeway's report. The motion was seconded and unanimously carried.

Business: The Office of Expedited Settlement (OES) - guidance on disciplinary action
Case: 2005-002173 Cougun Ledford - APE 27959
Summary: At the March 14, 2005 Electrical Board meeting, case 2005-002173 against Cougun Ledford was referred to OES for discipline. In correspondence dated September 8, 2006, Ofelia Duran from OES requested clarification on the discipline to be initiated since Mr. Ledford failed to respond.
Action: A motion was made, seconded and unanimously carried to withdraw this complaint from OES and refer this matter to the Office of the Attorney General (OAG) for further action.

Business: The Office of Expedited Settlement (OES) - guidance on disciplinary action
Case: 2006-001481 Dennis Ricardo Mora - RW 1344
Summary: At the November 14, 2005 Electrical Board meeting, case 2006-001481 against Dennis Ricardo Mora was referred to OES for discipline. In a memorandum dated September 8, 2006, Ofelia Duran from OES requested clarification on the discipline to be initiated since attempts to contact Mr. Mora have been unsuccessful.
Action: A motion was made, seconded and unanimously carried to withdraw this complaint from OES and refer this matter to the OAG for further action.

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Business: The Office of Expedited Settlement (OES) - guidance on disciplinary action
Case: 2006-002516 Daniel Steven Payne - JW 12875
Summary: At the February 13, 2006 Electrical Board meeting, case 2006-002516 against Daniel Steven Payne was referred to OES for discipline. In a memorandum dated September 8, 2006, Ofelia Duran from OES requested clarification on the discipline to be initiated since attempts to contact Mr. Payne have been unsuccessful.
Action: A motion was made, seconded and unanimously carried to refer this matter to OAG for further action. A second motion was made to withdraw this complaint from OES. The motion was seconded and unanimously carried.

Business: The Office of Expedited Settlement (OES) - guidance on disciplinary action
Case: 2006-002667 Ron Justin Reynolds - APE 25292, RW application pending
Summary: At the October 11, 2005 Electrical Board meeting, case 2006-002667 against Ron Justin Reynolds was referred to OES for discipline. In a memorandum dated September 8, 2006, Ofelia Duran from OES requested clarification on the discipline to be initiated since attempts to contact Mr. Reynolds have been unsuccessful.
Action: A motion was made, seconded and unanimously carried to withdraw this complaint from OES and to refer this matter to OAG for further action.

After discussion in Executive Session concluded, a motion was made, seconded and unanimously carried in open session to vacate the Board's preliminary application approval for the residential wireman examination that was conditional upon Ron Justin Reynolds' signing his Stipulation and FAO.

Business: The Office of Expedited Settlement (OES) - guidance on disciplinary action
Case: 2006-002846 Dennis Lenardo James - APE 931556, JW application pending
Summary: At the December 12, 2005 Electrical Board meeting, case 2006-002846 against Dennis Lenardo James was referred to OES for discipline. In a memorandum dated September 8, 2006 Ofelia Duran from OES requested clarification on the discipline to be initiated. Mr. James has been contacted but has not signed his stipulation agreement.
Action: A motion was made to leave this complaint with OES for continued attempts to settle, but for lack of a second, the motion died. A second motion was made, seconded and unanimously carried to withdraw this complaint from OES and refer this matter to OAG for further action.

After discussion in Executive Session concluded, a motion was made, seconded and unanimously carried in open session to vacate the Board's preliminary application approval for the journeyman wireman examination that was conditional upon Dennis Lenardo James signing his Stipulation and FAO.

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Business: The Office of Expedited Settlement (OES) - counteroffer on disciplinary action
Case: 2006-002854 Edward Allen Jueschke - ME 28404
Summary: At the December 12, 2005, Electrical Board meeting, case 2006-002854 against Edward Allen Jueschke was referred to OES for discipline in conjunction with his court appointed probation. In a memorandum dated October 6, 2006, Ofelia Duran from OES notified the Board that Mr. Jueschke submitted a counteroffer for consideration dated September 25, 2006.
Action: A motion was made, seconded and unanimously carried to refer this matter Executive Session where the Board provided direction to OES.

Business: Board Staff - request for guidance on disciplinary action
Case: 3901000150 Dennis Bird - APE 870384
Summary: At the July 24, 2006 Electrical Board meeting, the Initial Decision on case 3901000150 against Dennis Bird was approved. Upon review of the proposed FAO, the staff returned the Initial Decision for reconsideration because the office would not be able to administer the sanction of probation as the Respondent's registration is not currently active. Assistant Attorney General Pamela Sanchez recused herself during discussion and vote.
Action: A motion was made, seconded and unanimously carried to affirm the adoption of the Initial Decision but to impose a different sanction than the probation as recommended by the Administrative Law Judge. Dennis Bird's registration will be revoked. Staff was directed to draft and complete the FAO.

Business: Complaint reconsideration - 2nd party response
Case: 2006-003332 Philip King / Hornet Electric Service Inc. - ME 25882 / EC 5572
Summary: At the April 10, 2006 meeting, the Board referred case 2006-003332 against Phillip King of Hornet Electrical Service Inc. to the City and County of Denver for investigation concerning alleged electrical wiring without required permits or inspections at the Bari Fox residence. In a letter dated September 11, 2006, the City and County of Denver reported that Ms. Fox hired a different (unnamed) contractor to finish the work at her residence and that the installation passed inspection. In further discussion, the Board addressed Philip King's actions in not obtaining a permit or inspection.
Action: A motion was made to refer Philip King for discipline, but for lack of a second, the motion died. A second motion was made to issue Mr. King a Confidential Letter of Concern. The motion was seconded and unanimously carried.

Business: Initial complaint review - no response
Case: 2007-000267 Kevin Rutter / Dino Tech Inc. - Unlicensed / EC 6614 (lapsed)
Summary: Matthew and Jaime Barth initiated complaint 2007-000267 against Kevin Rutter of Dino Tech Inc. The Barth's allege that Mr. Rutter is advertising and performing electrical wiring without a master electrical license or a valid contractor's license and that he is using unsupervised employees as apprentices. The Board noted that Kevin Rutter did not respond to these allegations.
Action: A motion was made to refer this matter to the Office of Investigations for alleged use of unsupervised apprentices and to issue a Cease and Desist Order to Kevin Rutter to discontinue advertising and engaging in electrical wiring. The motion was seconded and unanimously carried.

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Business: Initial complaint review - no response
Case: 2007-000284 Mark R. Crandell - JW 7477
Summary: June Choi initiated complaint 2007-000284 against Mark R. Crandell. Ms. Choi alleges that she hired and paid Mark Crandell \$4000 to provide electrical services at One Hour Cleaners located at 6631 S. Peoria Street in Centennial and that no work had been performed. The Board noted that Mark Crandell did not respond to these allegations, that Mr. Crandell holds a journeyman electrician license and that he is not a registered contractor.
Action: A motion was made to refer this matter to the Office of Investigations. The motion was seconded and unanimously carried.

Business: Initial complaint review with response
Case: 2007-000458 Gregory Lezin / Elite Electrical - ME 25021 / EC 4542
Summary: The Board discussed complaint 2007-000458 filed by Susan Handloff and Bert Halberstadt alleging that Gregory Lezin of Elite Electric, Inc. failed to adequately supervise and approve the work performed by his staff. The Board noted that Mr. Lezin responded as requested by the Board in a letter dated August 23, 2006 and that he accepted responsibility for not properly overseeing his employees.
Action: A motion was made, seconded and unanimously carried to dismiss with comments to Mr. Lezin for failure to supervise his employees.

Business: Complaint reconsideration - response
Case: 2007-000459 John Manzanares - APE 873127 (canceled)
Summary: The Board discussed complaint 2007-000459 filed by Tom Gaccetta of Electrical Forces against John Manzanares. Mr. Gaccetta alleges that during the time that Mr. Manzanares was employed by him, he contracted and provided electrical services without a license. The International Brotherhood of Electrical Workers responded on behalf of Mr. Manzanares in a letter dated August 22, 2006.
Action: A motion was made, seconded and unanimously carried to issue a Cease and Desist Order to John Manzanares to discontinue practicing as an electrician without a license and to refer this matter to the Office of Investigations.

Further discussion led to a motion to initiate a complaint against Tom Gacetta for failing to properly register John Manzanares as an apprentice with his company.

VII FELONY AUDIT OF LICENSED / REGISTERED ELECTRICIANS

As a result of an audit comparing DORA's licensing system with Colorado court history records, professional licensees with felony convictions are subject to Board review. The following conviction record and response was submitted before the October 23, 2006 Board meeting, resulting in the following decision:

Licensee: Shannon Jay Bascom - RW 1631 / APE 910287
Summary: The Board noted that probation was successfully completed July 9, 2004.
Action: A motion was made, seconded and unanimously carried to dismiss this matter.

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VIII EXECUTIVE SESSION

Mr. Brinkley moved that the Board enter into Executive Session pursuant to section 24-6-402(3)(a)(II) and (III) of the Colorado Revised Statutes to discuss matters that are required to be kept confidential by federal law or rules and statutes and held privileged under the attorney-client or work product privilege. The motion was seconded by Mr. Tamminga and unanimously carried.

The Board remained in Executive Session from 1:25 p.m. to 2:10 p.m.

By unanimous agreement, the Board moved to go out of Executive Session.

IX OTHER BUSINESS

Business: Pamela Sanchez, AAG - Board involvement in the legislative process

Summary: Assistant Attorney General, Pamela Sanchez addressed a matter raised in the Board's meeting of September 2006 regarding the Board's ability to directly approach the legislature regarding pending bills.

Action: No action necessary.

With all business completed, the meeting was adjourned at 2:30 p.m. The next meeting is scheduled for Monday, November 27, 2006 at 9:30 a.m.

Approved this [22nd](#) day of [January](#), 2007

Richard Brinkley, Chair

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EXECUTIVE SESSION ATTESTATION OCTOBER 23, 2006

The portion of the executive session that was not recorded was confined to a discussion of the topic identified in the motion authorizing the Colorado State Electrical Board to convene in executive session.

APPROVED THIS 22nd DAY OF JANUARY, 2006.

Chair, Richard Brinkley

A portion of this executive session was not recorded because the discussion constituted a privileged attorney-client or work product communication.

Pamela C. Sanchez
Assistant Attorney General