

RECORD OF PROCEEDINGS

MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD AT 1560 BROADWAY, SUITE 1550, DENVER, COLORADO ON MONDAY, November 26, 2007.

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 9:33 a.m.

II RECOGNITION OF MEMBERS PRESENT:

Richard Brinkley	Electrical Utility, Board Chair
Jeff Pagnard	Building Official, Board Vice Chair
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:

Melissa Browning-Sletten	Electrical Utility
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OTHERS PRESENT:

Charles H. Adams	Program Director
Grant Hammett	Inspector Supervisor
Betty Wytias	Assistant Attorney General
Ofelia Duran	Office of Expedited Settlement
Joyce J. Young	Enforcement Unit Supervisor
Lamidia Hayes	Complaint Analyst
Donna Norman	Complaints, Applications and Felony Analyst
Marian Zabel	Administrative Assistant

III APPROVAL OF PREVIOUS MEETING MINUTES:

A motion was made to approve the minutes of the October 22, 2007 meeting as amended. The motion was seconded and unanimously carried.

IV STAFF COMMENTS

Program Director Charles H. Adams introduced the new Enforcement Unit Supervisor Joyce J. Young. This position replaces the Office Manager's position, splitting the duties with the Section Office Manger.

The Electrical Board will schedule a mid-month telephone conference meeting for December. The date for this meeting will be selected within the next few days.

The 2008 National Electrical Code books were distributed to each member. Mr. Adams encouraged all members to begin their review for the adoption process.

RECORD OF PROCEEDINGS

IV STAFF COMMENTS (continued)

Inspector Supervisor Grant Hammett attended today's meeting. Steve Conrad is on vacation.

V APPLICATION REVIEW

Business: Juan Carlos Garcia - master application with felony record - JW 108291
Summary: The Board reconsidered Juan Carlos Garcia's master application. Mr. Garcia's application was denied for two years during the November 14, 2005 meeting for failure to disclose his conviction on the application he submitted in May 2005. Mr. Garcia meets the qualifications to take the master examination.
Action: A motion was made to approve Mr. Garcia to test at the master level. The motion was seconded and unanimously carried.

Business: Peter Bryan Garcia - master application with felony record - unlicensed
Summary: The Board considered Peter Bryan Garcia's master application and court records noting that Mr. Garcia is currently residing in Florida and required to register with the court system on an annual basis. Mr. Garcia meets the qualifications to take the master examination.
Action: A motion was made to approve Mr. Garcia to test at the master level. The motion was seconded and unanimously carried.

VI COMPLAINTS / DISCIPLINE

Business: Report of final agency actions - September and October 2007
Summary:
Cease and Desist Order

- Salvador Hernandez, unlicensed
- Gerald Allen Duclon, journeyman

Citation Issued

- Thomas James Gaccetta, master
- Darren Lee Hillius, master

Finalized Letter of Admonition (LOA)

- Jim A. Ciletti, Jr., journeyman
- Merl O. Broughton, master
- John P. Diangelo, master

Revocation

- Steven Y. Essenburg, residential

Stipulation

- Russell Bialik, journeyman
- Eugene Francis Carner, Jr., journeyman
- Michael D. Jones, journeyman
- Terry Lee Margheim, journeyman
- Daniel Steven Payne, journeyman
- Valentine Joseph Vigil, journeyman
- Daniel D. Cathey, master
- Daniel Paul Barela, residential
- Daniel Nathan Hardin, Jr., residential
- James Emanuel Quilter, Jr., residential
- Jay Edward Zdrojewski, residential

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

RECORD OF PROCEEDINGS

- Business:** Felony audit progress reports through November 2007
Summary: The Board reviewed the reports on the progress that the administrative staff has made on the backlog resulting from the felony audits of October 2005 and April 2006.
Action: A motion was made, seconded, and unanimously carried to ratify the report.
- Business:** Compliance with a Stipulation and Final Agency Order (FAO)
Case: 3903000300 David Hainline - JW 105313
Summary: The Board reviewed the twelfth quarterly report David Hainline provided, dated October 8, 2007, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Hainline's quarterly report. The motion was seconded and unanimously carried.
- Business:** Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2005-002205 Richard Louis Vasquez - ME 25863 / EC 7255
Summary: The Board reviewed the third quarterly report Richard Louis Vasquez provided, dated November 5, 2007, in compliance with his Stipulation and FAO.
Action: A motion was made to table Mr. Vasquez's quarterly report to request information on the missing dates in his report. The motion was seconded and unanimously carried.
- Business:** Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2006-002737 Edwin Eugene Elliott - JW 100322
Summary: The Board reviewed the second quarterly report Edwin Eugene Elliott provided, dated October 24, 2007, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Elliott's quarterly report. The motion was seconded and unanimously carried.
- Business:** Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2006-002849 Zachary Seth Olesen - ME 29270
Summary: The Board reviewed the sixth quarterly report Zachary Seth Olesen provided, dated November 8, 2007, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Olesen's quarterly report. The motion was seconded and unanimously carried.
- Business:** Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2006-003647 Norman Joseph Semanik - JW 8954
Summary: The Board reviewed the third quarterly report Norman Joseph Semanik provided, dated September 20, 2007, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Semanik's quarterly report. The motion was seconded and unanimously carried.
- Business:** Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2006-003788 James Bernard Junglen - ME 703
Summary: The Board reviewed the first, second, and third quarterly reports James Bernard Junglen provided in compliance with his Stipulation and FAO. Staff noted that Mr. Junglen accepted a position overseas and is no longer working in Colorado.
Action: A motion was made to reject Mr. Junglen's quarterly reports as incomplete and toll his time. The motion was seconded and unanimously carried.

RECORD OF PROCEEDINGS

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2006-004310 Robert Reed - APE 941416
Summary: The Board reviewed the fourth quarterly report Robert Reed provided, dated November 14, 2007, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Reed's quarterly report. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2007-000016 Albert Kittridge Blakey - ME 5270 / JW 12697 / EC 2821
Summary: The Board reviewed the fourth quarterly report Albert Kittridge Blakey provided, dated October 31, 2007, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Blakey's quarterly report. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2007-002753 Christopher Shaun Varenhorst - APE 991166 / RW pending
Summary: The Board reviewed the first quarterly report Christopher Shaun Varenhorst provided, dated October 30, 2007, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Varenhorst's quarterly report. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2007-002789 Benjamin Michael Miller - JW 108463 / ME pending
Summary: The Board reviewed the first quarterly report Benjamin Michael Miller provided, dated October 16, 2007, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Miller's quarterly report. The motion was seconded and unanimously carried.

Business: Complaint review - no response
Case: 2007-003644 Jose Juan Aldava - RW 78346
Summary: Colorado State Electrical Inspector Ken Teutsch initiated complaint 2007-003644 against Jose Juan Aldava. Mr. Aldava received a Warning Notice for violation of §12-23-105, C.R.S., working beyond the authorization of a residential wireman's license. The Board tabled action during the August 27, 2007 meeting to obtain information from the homeowner, Priscilla Perea. No response has been received to date and therefore could not be verified by a third party.
Action: A motion was made to dismiss this matter. The motion was seconded and unanimously carried.

Business: Initial complaint review with response
Case: 2008-000819 Dale E. Huesemann, DEH Electrical - ME 27343 / EC 5851
Summary: The Board discussed complaint 2008-000819, initiated by the State Electrical Board against Dale E. Huesemann. Mr. Huesemann appears to have loaned his license in violation of §12-23-118 (1) (i). Mr. Huesemann responded to the Board in a letter dated October 14, 2007.
Action: A motion was made, seconded and unanimously carried to refer this matter for discipline.

RECORD OF PROCEEDINGS

Business: Initial complaint review with response
Case: 2008-000820 Murphy Asphalt and Construction - Unlicensed
Summary: The Board discussed complaint 2008-000820, initiated by the State Electrical Board against Murphy Asphalt and Construction. Murphy Asphalt and Construction allegedly used unlicensed/unregistered personnel to perform electrical work. William R. Murphy, Jr. responded to the Board in a letter dated October 22, 2007.
Action: A motion was made, seconded and carried to dismiss this matter.

Business: Initial complaint review with response
Case: 2008-000888 Sean W. Lewis, Lewis Electrical, Inc. - ME 27826 / EC 6099
Summary: The Board discussed complaint 2008-000888, submitted by City of Broomfield Electrical Inspector, Giles J. Schurman. Mr. Schurman alleges that Lewis Electrical, Inc. failed to obtain an electrical permit or inspections before installing receptacles at 1100 US Highway, Unit 600. Attorney Christopher J. W. Forrest responded to the Board for Sean Lewis in a letter dated November 2, 2007.
Action: A motion was made, seconded and unanimously carried to refer this matter to executive session. After discussion in executive session, a motion was made, seconded and unanimously carried in open session to dismiss this matter.

Business: Initial complaint review with response
Case: 2008-000891 Jeffrey Shaver, Adams County Schools - ME 3853 / EC 2528
Summary: Ken Teutsch, Colorado State Electrical Inspector, initiated complaint 2008-000891 against Adams County School District 12 for allegedly failing to obtain permits and/or failing to obtain inspections. Master Electrician Steven Cauley responded to the Board in a letter dated November 7, 2007. Mr. Cauley stated that he was responsible for the installation of the Watt-Nodes instrument monitors using permits issued to various electrical contractors. Member Rediger recused himself from discussion and vote.
Action: A motion was made, seconded and carried to table this matter for more information.

Business: Initial complaint review with response
Case: 2008-000900 Chad Elliott - Unlicensed
Summary: Colorado State Electrical Inspector Charlie Monroe initiated complaint 2008-000900 against Chad Elliott. Mr. Elliot received a Warning Notice for using Elisabeth Brauers' homeowner's permit to wire her garage. The Board received a response from Mr. Elliott on October 25, 2007.
Action: A motion was made, seconded and unanimously carried to issue a Cease and Desist Order to Chad Elliott. Mr. Elliott is to discontinue performing electrical work without a license.

Business: Initial complaint review with response
Case: 2008-000995 Jesse L. Crookston, Adventure Electric - ME 25080 / EC 4499
Summary: The Board discussed complaint 2008-000995, initiated by the State Electrical Board against Jesse L. Crookston, master electrician for Adventure Electric. Mr. Crookston allegedly hired unlicensed / unregistered personnel to perform electrical work. The Board received a response from Mr. Crookston dated November 6, 2007.
Action: A motion was made, seconded and unanimously carried to refer this matter to executive session. After discussion in executive session, a motion was made in

RECORD OF PROCEEDINGS

open session to issue two citations: 1) \$150 for violation of §12-23-110.5 (3), C.R.S., failure of an electrical contractor to register an apprentice; and 2) \$200 for violation of §12-23-118 (1) (k), C.R.S., employment by an electrical contractor of unlicensed persons doing electrical work.

Business: Initial complaint review with response
Case: 2008-001161 Brad Johnson, Steamboat Home Improvements - Unlicensed
Summary: The Board discussed complaint 2008-001161, submitted by Ray Thomas of R.T. & Co. Electrical Construction. Mr. Thomas alleges that Brad Johnson is performing electrical work without proper licensure. Mr. Johnson responded to the Board in a letter dated November 14, 2007.
Action: A motion was made, seconded and passed by majority vote to issue a Cease and Desist Order to Brad Johnson. Mr. Johnson is to discontinue advertising to perform electrical work.

Business: Initial complaint review with response
Case: 2008-001162 Ray Johnson - Unlicensed
Summary: The Board discussed complaint 2008-001162, initiated by the State Electrical Board. Ray Johnson appears to be advertising without proper licensure. Mr. Johnson responded to the Board in a letter dated November 6, 2007.
Action: A motion was made, seconded and unanimously carried to issue a Cease and Desist Order to Ray Johnson. Mr. Johnson is to discontinue advertising to perform electrical work.

Business: Initial Decision Review
Case: 2006-002889 Ryan Jon Marxhausen - APE 30526
Summary: The Board reviewed the Administrative Law Judge's Initial Decision in the matter of disciplinary action against electrical apprentice Ryan J. Marxhausen.
Action: A motion was made, seconded, and unanimously carried to approve items 1 through 12 under "Findings of Fact".
A second motion was made, seconded, and unanimously carried to approve items 1 through 4 under "Conclusions of Law".
A final motion was made, seconded, and unanimously carried to accept the "Initial Decision" to revoke Ryan Jon Marxhausen apprentice registration number 30526.

Business: The Office of the Attorney General - case review
Case: 2005-000356 John Loftin - JW 108451
Summary: In executive session, Assistant Attorney General Betty Wytias updated the Board on case 2005-000356 against John Loftin. Mr. Loftin requested mediation concerning the status of his journeyman license.
Action: After discussion in executive session, a motion was made, seconded, and unanimously carried in open session to deny Mr. Loftin's request for mediation.

Business: The Office of the Attorney General - case review
Case: 2008-000057 Donald Koldeway - ME 25717
Summary: In executive session, Assistant Attorney General Betty Wytias updated the Board on case 2008-000057 against Donald Koldeway.
Action: A motion was made, seconded, and unanimously carried to rescind the Board's referral of this case to the OAG, dismiss the Board issued citations, and dismiss this case.

RECORD OF PROCEEDINGS

IX EXECUTIVE SESSION

Mr. Brinkley moved that the Board 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 by Mr. George Nightingale and unanimously carried.

Attorney-client items were considered in executive session from 11:35 a.m. to 12:30 p.m. By unanimous agreement, the Board moved to go out of Executive Session.

X OTHER BUSINESS

With all business completed, the meeting was adjourned at 12:40 p.m. A telephone conference meeting will be scheduled for the December 2007.

Approved by: Doug Tamminga, Acting Chair Date: December 17, 2007

RECORD OF PROCEEDINGS

EXECUTIVE SESSION ATTESTATION November 26, 2007

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: Doug Tamminga, Acting Chair Date: December 17, 2007

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: December 17, 2007