

RECORD OF PROCEEDINGS

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

II RECOGNITION OF MEMBERS PRESENT

George A. Nightingale	Electrical Contractor, Chair
Scott W. Berg	Building Official
Rory Berumen	Journeyman Electrician
Jerry L. Coffee	Electrical Contractor
Michael E. Dell'Orfano	Public Member
Thomas B. Fox	General Contractor
John T. McCord, III	Master Electrician
Nancy K. White	Public Member

MEMBERS ABSENT

Robin L. Kittel	Electrical Utility, 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, David Sexton, Adam String	Investigators, Office of Investigations
Joyce J. Young	Enforcement Unit Supervisor
Marian Zabel	Administrative Assistant
Corey Everett-Lozano	Continuing Competency Manager

III PREVIOUS BOARD MEETING MINUTES

A motion was made, seconded, and carried to approve the minutes of the September 26, 2011, meeting.

IV REPORTS FOR RATIFICATION

A. Review of Report of Final Agency Actions – September 8, 2011 to November 7, 2011

Cease and Desist Orders (CDO)*

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|---|---------------------------------------|
| 1. Custom Wood Construction, Unreg. * | 12. Jim Caldwell, Unlic. |
| 2. LB Plumbing, Unreg. | 13. Joel K. Mullen, Unlic. |
| 3. Jeff Zeigler, Unlic. | 14. James Graves, Unlic. * |
| 4. CRE Services, Unreg. | 15. Karl T. Braun, Unlic. |
| 5. Perfection Coating & Handyman Services LLC, Unreg | 16. James F. Besel, Unlic. |
| 6. Whipple Service Champions, Unreg. | 17. Tim J. Webb, Unlic. |
| 7. Aspen Painting & Property Maintenance, Unreg. | 18. Wayne Bushey, Unlic. |
| 8. Diversified Plumbing dba DIV & LB Plumbing, Unreg. | 19. Housman Home Improvements, Unreg. |
| 9. DIV Plumbing, Unregistered | 20. Keith McCue, Unlic. |
| | 21. Zeigler Carpentry, Unreg. |
| | 22. Ron Housman II, APE |

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|---|------------------------|
| 10. Joey Ruybal, Unlic. | 23. Shane L. Tiley, JW |
| 11. Monster Construction Services, Unreg. | |

*CDO that is the result of a Notice of Alleged Violation (NAV) that was issued by a state inspector per Board Policy 07-3(2)

Dismissed

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| 1. Fort Lyon Correctional Facility, Unlic. | 6. Win, LLC, EC |
| 2. Chris Allison, Unlic. | 7. Donald J. Chavez, JW |
| 3. H and S Electric, EC | 8. Travis E. Marque, JW |
| 4. Tradesmen International, Inc., EC | 9. Kristopher G. Hartman, ME |
| 5. Triple HHH Electrical Contracting, EC | 10. John W. Speidel, ME |

Injunction

1. Hector L. Leal, APE

Revocations

- | | |
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| 1. Mario J. Falcon-Galvan, JW | 2. Daniel D. Cathey, ME |
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Stipulations, Final Agency Orders, and Board Orders

- | | |
|--------------------------|-----------------------------|
| 1. Paul J. Alvarez, APE | 6. Michael S. Furlong, JW |
| 2. Patrick W. Day, APE | 7. Guadalupe B. Saucedo, JW |
| 3. Eric R. Sandelin, APE | 8. Samuel M. Gluck, ME |
| Dustin T. Chavez, JW | 9. Michael D. Schmidt, ME |
| 5. John A. Chavez, JW | |

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 2010. A motion was made, seconded, and carried to ratify the report.

V STAFF COMMENTS

Program Director, Mark Browne stated that Board Policy 08-2 regarding application evaluation will be addressed at the next meeting. A rule draft to define what constitutes the statutory reference to a trade school with specific education qualifications will be prepared and presented to the Board at the January 23, 2012 meeting. In addition, the current Board Rule 9.4 regarding the reinstatement of a license will be re-written to provide clarity.

Chief Inspector, Steve Conrad, updated the Board regarding the relocation of several inspectors. Inspector Supervisor Grant Hammett leaves the Denver office to continue his supervisory position in Montrose. Mr. Hammett's vacancy is being filled by the promotion of Inspector Robert Brant, beginning December 5, 2011. Mr. Brant leaves the Canon City area and John Figa will fill that position. Mr. Figa leaves the Sterling area and that position is open at this time.

Mr. Conrad also stated that all state inspectors have their homes as their office base. They have telephone systems with toll free numbers and printers. Mobile printers have been ordered for their vehicles. This will allow the inspector to print and provide inspection and other reports at the job site.

VI REVIEW OF BOARD BUSINESS

A. Requests for Variance

The following variance requests were submitted to the Board by November 8, 2011, and in accordance with § 12-23-104(2)(g), C.R.S., the Board is authorized to review and approve or

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disapprove requests for exceptions to the national electrical code in unique construction situations where a strict interpretation of the code would result in unreasonable operational conditions or unreasonable economic burdens, as long as public safety is not compromised.

Business: Greg DaVault Residence, McDonald Solar and Wind, Inc. – Permit 709318
Summary: The Board considered a variance request submitted by McDonald Solar and Wind, Inc. to Board Rule 6.7 and Article 110.2, NEC 2011. This request is to waive the listing and labeling requirements for a small wind electrical system at the DaVault residence, located at 24007 Timber Ridge in Weston, Colorado.

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

Provisions

1. This is a one-time variance for the DaVault residence, permit 709318.
2. This variance is limited to the small wind electrical system.

Findings of Fact

It is the opinion of the Board that:

1. The materials are substantially equivalent to the intent of code requirements.
2. Strict enforcement of the NEC 110.2 and Board Rule 6.7 would result in unreasonable conditions and an unreasonable economic burden.
3. The new installation does not compromise public safety.

Business: H.E. Gene Bellomy Residence, Permit 706339

Summary: Mr. Bellomy requested a variance to Article 550.32 (A) of the 2008 NEC. This request was to allow a service connect to be installed 55 feet from the Bellomy mobile home located at 306 E 1st Street, in Hasty, Colorado in lieu of the 30 foot code requirement.

Action: A motion was made, seconded, and carried to deny this variance with the following:

Finding(s) of Fact

It is the opinion of the Board that:

1. The installation does not meet the intent of the code requirements.
2. Denying this variance would not result in unreasonable operational conditions or an unreasonable economic burden.
3. Grant this variance may compromise public safety.

B. Interview – Application for Examination

Subject: Brian D. Togher – Master Application

Summary: Mr. Togher appeared before the Board to request credit for both electrical wiring experience obtained out-of-country and in the United States to qualify for the master examination.

Action: A motion was made, seconded, and carried to deny Brian Togher's master application but approve him to take the journeyman wireman examination.

C. Complaints Review

Subject: Aeris Lighting and Electric LLC, EC 7981

Case No.: 2012-000761

Summary: The Board reviewed the complaint filed against Aeris Lighting and Electric LLC by Smashburger and information regarding the company's failure to respond to the complaint. This complaint alleged that the Aeris Lighting and

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electrical LLC performed electrical work without obtaining a permit and inspection.

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

Based on the information reviewed, a motion was made, seconded, and carried to initiate a complaint against Matthew Perkins for failure to obtain a permit and failure to respond to a Board investigation.

Subject: Colorado Construction & Concrete, Inc., Unregistered

Case No.: 2012-000577

Summary: The Board reviewed the complaint filed against Colorado Construction & Concrete, Inc. by Sue Cramer and information regarding the company's failure to respond to the complaint. This complaint alleged that Colorado Construction & Concrete, Inc. was offering electrical contracting services (on Craigslist) without the proper registration.

Action: A motion was made, seconded, and carried to issue a Cease and Desist Order to Colorado Construction & Concrete, Inc. for advertising to perform electrical work without the proper registration.

Subject: European Roll Shutters, LLC, Unregistered

Case No.: 2012-000763

Summary: The Board reviewed the complaint filed against European Roll Shutters, LLC by James McQuality and the company's response to the complaint. This complaint alleged that the European Roll Shutters, LLC failed to obtain a permit and was performing electrical contracting services without the proper registration.

Action: A motion was made, seconded, and carried to issue a Cease and Desist Order to European Roll Shutters, LLC for advertising to perform and performing electrical work without the proper registration.

Subject: Thomas J. Gaccetta, ME 28570

Case No.: 2012-001118

Summary: The Board reviewed the complaint filed against Mr. Gaccetta by Alfred Rosensteer and Mr. Gaccetta's response to the complaint. This complaint alleged that Mr. Gaccetta failed to meet contractual and monetary agreements and violated the Board's statutes by failing to report his felony conviction.

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

Subject: Bruce E. Gray, RW 76063

Case No.: 2012-000760

Summary: Board member Scott Berg recused himself from discussion and vote and left the room. The Board reviewed the complaint filed against Mr. Gray by the City of Boulder and Mr. Gray's response to the complaint. This complaint alleged that Mr. Gray performed electrical work beyond the authorization of his residential wireman's license and was offering to perform and performing electrical contracting services without the proper registration.

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

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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: Gary M. Hardman, Unregistered
Case No.: 2012-001039
Summary: The Board reviewed the complaint filed against Mr. Hardman by Gary Arnold, and Mr. Hardman's response to the complaint. This complaint alleged that Mr. Hardman 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 Gary M. Hardman for performing electrical work without the proper registration.

Based on the information reviewed, a motion was made, seconded, and carried to initiate a complaint against Gary Arnold for failing to supervise Gary Hardman, for obtaining a permit for an unlicensed person, and for providing false information to the Board.

Subject: Edward Janezich, Unlicensed and Unregistered
Case No.: 2012-001226
Summary: The Board reviewed the complaint filed against Mr. Janezich by the Board and his response to the complaint. This complaint alleged that Mr. Janezich was performing electrical contracting services without the proper licensure.
Action: A motion was made, seconded, and carried to issue a Cease and Desist Order to Edward Janezich for performing electrical work without the proper licensure.

Subject: Thomas Kirchhoff, Unregistered
Case No.: 2012-000576
Summary: The Board reviewed the complaint filed against Mr. Kirchhoff by Sue Cramer and information regarding Mr. Kirchhoff's failure to respond to the complaint. This complaint alleged that Mr. Kirchhoff was offering electrical contracting services (on Craigslist) without the proper registration.
Action: A motion was made, seconded, and carried to issue a Cease and Desist Order to Thomas Kirchhoff for offering to perform electrical work without the proper registration.

Subject: David J. McClaskey, APE 40000
Case No.: 2012-001051
Summary: The Board reviewed the complaint filed against Mr. McClaskey by the Board and his response to the complaint. This complaint alleged that Mr. McClaskey was performing electrical contracting services without the proper registration.
Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

Based on the information reviewed, a motion was made, seconded, and carried to initiate a complaint against Arc Lighting & Sign, LLC for engaging in the business of an electrical contractor without the proper registration.

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Subject: Pentacle Enterprises, Unregistered
Case No.: 2012-000570
Summary: The Board reviewed the complaint filed against Pentacle Enterprises by Nathan Beck and information regarding the company's failure to respond to the complaint. This complaint alleged that Pentacle Enterprises was performing electrical contracting services without the proper registration.
Action: A motion was made, seconded, and carried to issue a Cease and Desist Order to Pentacle Enterprises for performing electrical work without the proper registration.

Based on the information reviewed, a motion was made, seconded, and carried to initiate a complaint and issue a Cease and Desist Order to Robert Black for performing electrical work without the proper license and for representing himself as a licensed electrician.

Subject: Pikes Peak Regional Building Department (PPRBD)
Case No.: 2012-001163
Summary: The Board reviewed the complaint filed against PPRBD by John Basil and the company's response to the complaint. This complaint alleged that PPRBD was charging fees to renew electrical contractor's registrations.
Action: A motion was made, seconded, and carried to issue a Show Cause Order to Pikes Peak Regional Building Department as to why the Board should not issue a Cease and Desist Order.

Subject: Garrett L. Shoemaker, APE 29185 cancelled
Case No.: 2012-000929
Summary: The Board reviewed the complaint filed against Mr. Shoemaker by Jeff Anderson and Mr. Shoemaker's response to the complaint. This complaint alleged that Mr. Shoemaker was offering electrical contracting services (on Craigslist) without the proper registration.
Action: A motion was made, seconded, and carried to issue a Cease and Desist Order to Garrett L. Shoemaker for representing himself as an electrical contractor and for representing himself as a licensed electrician.

Subject: Single Phase Electrical Services, EC 6820
Case No.: 2012-000655
Summary: The Board reviewed the complaint filed against Single Phase Electrical Services by Niron Construction LLC, and information regarding the company's failure to respond to the complaint. This complaint alleged that Single Phase Electrical Services employed unlicensed personnel to perform electrical services.
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 table for additional information.

Based on the information reviewed, a motion was made, seconded, and carried to initiate a complaint against Charles R. Abad for failure to respond to a Board investigation.

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Subject: Joseph A. Tafoya, ME 3662
Case No.: 2012-000900
Summary: Board member Jerry Coffee recused himself from discussion and vote and left the room. The Board reviewed the complaint filed against Mr. Tafoya by the Board and his response to the complaint. This complaint alleged that Mr. Tafoya violated the terms of the March 7, 2011, 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 continue with the stipulation requirements of complaint 2011-002551.

Subject: Eric J. Thompson, RW 78921
Case No.: 2012-000629
Summary: The Board reviewed the complaint filed against Mr. Thompson by the Board and information regarding his failure to respond to the complaint. This complaint alleged that Mr. Thompson was offering electrical contracting services without the proper registration.
Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

Based on the information reviewed, a motion was made, seconded, and carried to initiate a complaint and issue a Cease and Desist Order against Animas Affordable Electric for offering electrical work without the proper registration.

D. Compliance Monitoring - Quarterly Reports

Subject: Thomas M. Ahrens, JW 109894
Case No.: 2009-002582
Action: A motion was made, seconded, and carried to accept the report.

Subject: Kenneth N. Parris, JW 107640
Case No.: 2007-002764
Action: A motion was made, seconded, and carried to accept the report.

E. Response to Inquiry

Subject: Pikes Peak Regional Building Department (PPRBD)
Case No.: 2011-004002
Summary: The Board reviewed the complaint filed against Pikes Peak Regional Building Department by the Board and information regarding the company's failure to provide the requested list of address where code requirements were not met.
Action: No action taken.

VII REVIEW OF APPLICATIONS

Business: Shane W. Braden, JW 112589
Summary: The Board reviewed Mr. Braden's application and his request for credit toward qualifying to take the master examination for the courses he has taken at Emily Griffith Opportunity School and other certifications.
Action: A motion was made, seconded, and carried to table for additional information from Emily Griffith Opportunity School.

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Business: Frederick K. Buah, JW 112100

Summary: The Board reviewed Mr. Buah's application and his request for credit toward qualifying to take the master examination for the courses he has taken at both Emily Griffith Opportunity School and Independent Electrical Contractors, Inc.

Action: A motion was made, seconded, and carried to table for additional information from Emily Griffith Opportunity School and Independent Electrical Contractors, Inc.

Business: Jonathan E. McKinney, APE 38587

Summary: The Board reviewed Mr. McKinney's application and his request for credit toward qualifying to take the master examination for the courses he has taken at Independent Electrical Contractors, Inc.

Action: A motion was made, seconded, and carried to table for additional information from Independent Electrical Contractors, Inc.

VIII REVIEW OF REINSTATEMENTS

Business: Eclectic Electric, EC 6151

Summary: The Board reviewed Eclectic Electric's request for reinstatement of their Electrical Contractor's registration. The company revealed in their application that they continued to work after the registration lapsed February 28, 2009.

Action: A motion was made, seconded, and carried to initiate a complaint against Eclectic Electric for working as an electrical contractor with a lapsed registration.

Business: Toby E. Neville, JW 103018

Summary: The Board reviewed Mr. Neville's application for reinstatement of his journeyman electrician's license 103018. Mr. Neville revealed in this application that he continued to work as an electrician after his license lapsed February 28, 2009.

Action: A motion was made, seconded, and carried to deny Toby E. Neville's reinstatement and refer to executive session for possible discipline.

IX EXECUTIVE SESSION

At 12:58 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 2011-003670, 2012-000400, 2012-000008, 2011-004982, 2012-000394, 2012-000398, 2012-000239, 2012-000245, and 2012-000397;
- The Case Status Report of the Office of Expedited Settlement; and
- 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 2:05 p.m.

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X OTHER BUSINESS

Business: Review of Report of Investigation
Case: 2012-000400 Centerpoint Contracting, Unregistered
Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Centerpoint Contracting by Sue Cramer. This complaint alleged that the company 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 Centerpoint Contracting for offering to perform electrical work without the proper registration.

Business: Review of Report of Investigation
Case: 2012-000008 Joey Elkin, Unregistered
Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Joey Elkin by Tara Johnson. This complaint alleged that the Mr. Elkin was representing himself as an electrical apprentice and 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 Joey Elkin for representing himself as an electrical apprentice without the proper registration and for offering to perform electrical work without the proper contractor registration.

Business: Review of Report of Investigation
Case: 2012-000394 American Maintenance Company, Unregistered
Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against American Maintenance Company by the Board. This complaint alleged that the company 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 American Maintenance Company for offering to perform electrical work without the proper registration.

Based on the information reviewed, a motion was made, seconded, and carried in open session to initiate a complaint and issue a Cease and Desist Order against Nathan Talley for operating as an electrical contractor without the proper registration.

Business: Review of Report of Investigation
Case: 2012-000398 Ascension Repairs Home Maintenance, Unregistered
Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Ascension Repairs Home Maintenance by the Board. This complaint alleged that the company 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 against Ascension Repairs

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Home Maintenance for offering to perform electrical work without the proper registration.

Business: Review of Report of Investigation

Case: 2012-000239 Bill Chubb, Unregistered

Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Bill Chubb by the Board. This complaint alleged that the Mr. Chubb 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 Bill Chubb for offering to perform electrical work without the proper registration.

Based on the information reviewed, a motion was made, seconded, and carried in open session to initiate a complaint and issue a Cease and Desist Order against Busy B's Maintenance for operating as an electrical contractor without the proper registration.

Business: Review of Report of Investigation

Case: 2012-000245 Avery Spencer, Unregistered

Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Avery Spencer by the Board. This complaint alleged that the Mr. Spencer 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 against Avery Spencer for offering to perform electrical work without the proper registration.

Business: Review of Report of Investigation

Case: 2012-000397 John J. Ricci, Jr., Unregistered

Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against John J. Ricci, Jr. by Sue Cramer. This complaint alleged that the Mr. Ricci 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 dismiss the complaint.

XI ADJOURNMENT

With all business completed, the meeting was adjourned at 2:10 p.m. The next meeting is scheduled for Monday, January 23, 2012, at 9:00 a.m.

Approved by: George A. Nightingale, Chair

Date: January 23, 2012