

# RECORD OF PROCEEDINGS

## **MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD VIA TELEPHONE CONFERENCE AND AT 1560 BROADWAY, SUITE 1550, DENVER, COLORADO ON MONDAY, December 17, 2007.**

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

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

Doug Tamminga, Acting Board Chair called the meeting to order at 9:35 a.m.

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

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:**

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

### **OTHERS PRESENT:**

Charles H. Adams	Program Director
Stephen Conrad	Chief Inspector
Grant Hammett	Inspector Supervisor
Betty Wytias	Assistant Attorney General
Ofelia Duran	Office of Expedited Settlement
Joyce Y. 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 November 26, 2007 meeting as amended. The motion was seconded and unanimously carried.

### **IV STAFF COMMENTS**

Program Director Charles H. Adams reminded Board members and staff that the Board packets often contain sensitive information that should be kept in a secured place at all times.

Mr. Adams and Chief Inspector Steve Conrad spent December 2<sup>nd</sup> through December 5<sup>th</sup> meeting with all the plumbing and electrical inspectors throughout the state. These meetings were designed to provide information on administrative and technology matters. In addition, Department Human Resources Director, Michelle Peterson and Department Information Technology/Services Director, Mike Whatley discussed personnel and information services matters respectively.

# RECORD OF PROCEEDINGS

## **V**     GENERAL SESSION

**Business:** Innovative Power Systems - Cable-in-conduit product / request for consideration  
**Summary:** During the August 27, 2007 meeting, the Board voted to deny extension of the deadline for the use of non-labeled product NUCC (cable-in-conduit) past the original agreement date of December 31, 2007. At today's meeting the Board members discussed Greg Stephan of Innovative Power Systems' request for modification of the Board ruling to allow use of product manufactured prior to June 21, 2007.

**Action:** A motion was made, seconded and failed by majority vote to allow the use of unlisted NUCC cable until all stock with a manufacture date of June 21, 2007 was depleted.  
A second motion was made to modify the Board's August 27, 2007 ruling and allow an extension of time for the use of this product through March 31, 2008 with the provision that the cable being installed has a manufacture date prior to June 21, 2007. The motion was seconded and unanimously carried.

**Business:** Tri-County Health Department - Individual Sewage Disposal Systems / revision  
**Summary:** During the October 22, 2007 meeting, the Board voted to enter into an agreement with Tri-County Health Department (TCHD) as outlined in the proposed Memorandum of Agreement in order to set forth inspection responsibilities for Individual Sewage Disposal Systems (septic systems). In conversations with State Inspector Supervisor, Grant Hammett, TCHD requested that their responsibility for inspections be limited to the depth of the electrical line.

**Action:** A motion was made to revise the agreement with Tri-County Health Department to limit their inspection responsibility to the depth of the electrical line. The motion was seconded and unanimously carried.

**Business:** Rules Review - first draft  
**Summary:** The Board was provided the first rules draft for the adoption of the 2008 National Electrical Code along with other revisions for clarification of existing rules. The Members were asked to review this document for discussion at January's meeting.

**Action:** No action was taken.

## **VI**     APPLICATIONS

**Business:** Donald Merle Reynolds, Jr. – JW 106458 (lapsed) - reinstatement appeal  
**Summary:** The Board considered Donald Merle Reynolds, Jr.'s reinstatement application for his journeyman license 106458. Mr. Reynolds is currently incarcerated with a projected release date of June 2031. Mr. Reynolds self-disclosed his felony conviction on his application.

**Action:** A motion was made, seconded and unanimously carried to deny the reinstatement to Donald Merle Reynolds, Jr. of his journeyman license and refer this matter to the Office of the Attorney General for revocation.

## RECORD OF PROCEEDINGS

### VII COMPLAINTS / DISCIPLINE

**Business:** Report of final agency actions - November 1, 2007 through December 1, 2007  
**Summary:** Citation Issued

- Rocky Mountain Empire Electric, electrical contractor  
Cease and Desist Order

- Armando Flores, apprentice

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

**Business:** Felony audit progress reports through December 7, 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. Donna Norman stated that the October 2005 report was completed.

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

**Business:** Compliance with a Stipulation and Final Agency Order (FAO)  
**Case:** 2006-002127 Joseph Koldeway - APE 33210  
**Summary:** The Board reviewed the sixth quarterly report Joseph Koldeway provided, dated December 4, 2007, in compliance with his Stipulation and FAO.

**Action:** A motion was made to accept Mr. Koldeway's report. The motion was seconded and unanimously carried.

**Business:** Compliance with a Stipulation and Final Agency Order (FAO)  
**Case:** 2006-002741 Stephen Hicks - JW 106122  
**Summary:** The Board reviewed the fourth and final quarterly report Stephen Hicks provided, dated November 14, 2007, in compliance with his Stipulation and FAO.

**Action:** A motion was made to deny Mr. Hicks' report for further information. The motion was seconded and unanimously carried.

**Business:** Complaint update  
**Case:** 2008-000891 Jeffrey Shaver, Adams County Schools - ME 3853 / EC 2528  
**Summary:** Board member Cliff Rediger recused and disconnected from the telephone conference for the discussion and vote.

During the meeting held on November 26, 2007, the Board tabled case 2008-000891 concerning Jeffrey Shaver of Adams County Schools to request clarification on the installation of Wattnode devices at various locations within Adams County 12 School District. Inspector Supervisor Grant Hammett stated in his letter to the Board dated December 10, 2007 that verification had been received stating the majority of the Wattnode devices were installed and connected to branch circuits by an electrical subcontractor with a few installations installed by master electrician Steve Cauley. Mr. Hammett further stated that no apparent violation had taken place.

**Action:** A motion was made, seconded and carried to dismiss this matter. After discussion and vote Board member Cliff Rediger was reconnected to the telephone conference.

## **RECORD OF PROCEEDINGS**

### **VIII EXECUTIVE SESSION**

Doug Tamminga 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 Member Loren Priest and unanimously carried.

Attorney-client items were considered in executive session from 10:14 a.m. to 10:20 a.m. By unanimous agreement, the Board moved to go out of Executive Session.

### **IX ADJOURNMENT**

With all business completed, the meeting was adjourned at 10:23 p.m. The next meeting is scheduled for Monday, January 28, 2008 at 9:30 a.m.

*Approved by: Richard Brinkley, Chair      Date: January 28, 2008*

# **RECORD OF PROCEEDINGS**

## **EXECUTIVE SESSION ATTESTATION December 17, 2007**

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: Richard Brinkley, Chair      Date: January 28, 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: January 28, 2008*