

RECORD OF PROCEEDINGS

MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD AT 1560 BROADWAY, SUITE 1380, DENVER, COLORADO ON Monday, September 28, 2009

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

I MEETING – CALL TO ORDER

Board President Loren Priest called the meeting to order at 9:00 a.m.

II RECOGNITION OF MEMBERS PRESENT

Loren R. Priest	Public Member, President
George A. Nightingale	Electrical Contractor, Vice-President
Scott W. Berg	Building Official
Rory Berumen	Journeyman Electrician
Jerry L. Coffee	Electrical Contractor
Robin L. Kittel	Electrical Utility
Terry L. Schneider	Master Electrician

MEMBERS ABSENT

Jose A. Amaya	General Contractor
Melissa Browning-Sletten	Electrical Utility

OTHERS PRESENT

Mark Browne	Program Director
Stephen Conrad	Chief Inspector
Dennis Rhodes	Office of Expedited Settlement
John J. Roberts	Assistant Attorney General
Rebecca Connors	Assistant Attorney General
David Sexton	Investigator, Office of Investigations
Les Roberts	Investigator, Office of Investigations
Joyce J. Young	Enforcement Unit Supervisor
Marian Zabel	Administrative Assistant

III PREVIOUS BOARD MEETING MINUTES

It was the decision of the Board to approve the minutes of the August 24, 2009, meeting.

IV REPORTS FOR RATIFICATION

A. Review of Report of Final Agency Actions – July 16, 2009 through September 15, 2009

Citations Issued

1. Alt Contractors, Inc, EC
2. David S. Rutherford, JW

Stipulations

1. Davis A. Condreay, APE
2. William C. L. Fry, JW
3. Daniel E. Kropsch, ME
4. David M. Pepin, APE
5. Michael P. Stump, JW

It was the decision of the Board to ratify the report.

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B. Felony Audit Progress Report

The Board reviewed the progress reports for the felony audit of October 2007 and October 2008. It was the decision of the Board to ratify the reports.

V STAFF COMMENTS

Program Director, Mark Browne, stated that Board Members Coffee and Nightingale attended the CLEAR Conference for the session on Board Member Training held on September 9, 2009. Member Coffee provided an outline of the topics presented at the session to the other members. Both Coffee and Nightingale found the session informative.

Mr. Browne updated the Board on the progressive development of continued competency rules. Meeting minutes are being posted on the Electrical Board Web site. The Workgroup is scheduled to meet today following the Board meeting.

Mr. Browne stated that the Electrical Board permit fee adjustment that was implemented on September 1, 2009 is providing an increase in revenue. The fee adjustment notice was posted on the website and an E-News was sent to master electricians and electrical contractors.

Mr. Browne also discussed the need to address the new training requirements for apprentices pursuant to HB09-1136.

VI REVIEW OF BOARD BUSINESS

A. Initial Decision

Subject: Initial Decision Review
Case No.: 2007-003485 – Slawomir Golabek, ME #28865 and JW #107423
Summary: The Board reviewed the Administrative Law Judge's (ALJ) Initial Decision in the matter of disciplinary action concerning the license of Slawomir Golabek, to practice as an electrician. Mr. Golabek did not appear before the ALJ or the Board.
Action: It was the consensus of the Board to reject the hearing of oral arguments.
It was the decision of the Board to accept all the Findings of Fact.
It was the decision of the Board to accept all the Conclusions of Law.
It was the consensus of the Board to accept the recommended sanction
It was the decision of the Board to direct disciplinary counsel to prepare the Final Agency Order by October 16, 2009.

B. Complaints Review

Subject: Keith B. Gibson, ME #2627
Case No.: 2009-003291
Summary: The Board reviewed the tabled complaint filed against Mr. Gibson's by Teo Nicolais, Manager of Allison Street Townhomes, LLC, and the response from Mr. Gibson's attorney, Thomas J. Arckey, to the Board's request for additional information. This complaint alleged that Mr. Gibson failed to properly supervise his employee, Kyle Gibson, and the work on the project at issue.
Action: It was the decision of the Board to refer this matter for discipline.

Subject: Kyle B. Gibson, JW #110557
Case No.: 2009-003356

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- Summary:** The Board reviewed the tabled complaint filed against him by Teo Nicolais, Manager of Allison Street Townhomes, LLC. This complaint alleged that Mr. Gibson provided electrical contracting services without the proper licensure and registration.
- Action:** It was the decision of the Board to refer this matter for discipline.
- Subject:** Sierra Electric Enterprises, Inc., EC #3073
Case No.: 2009-003357
Summary: The Board reviewed the tabled complaint filed against the company by Teo Nicolais, Manager of Allison Street Townhomes, LLC. This complaint alleged that the company failed to meet the generally accepted standards of the electrical practice.
- Action:** It was the decision of the Board to refer this matter for discipline.
- Subject:** Troy D. Walker, ME #4820
Case No.: 2009-002971
Summary: The Board reviewed the tabled complaint filed against Mr. Walker, by Michael Cohagan, Pikes Peak Regional Building Department Inspector and information regarding Mr. Cohagan's failure to respond to the Board's request for additional information. This complaint alleged that Mr. Walker failed to supervise a working apprentice, Nick Raley.
- Action:** It was the consensus of the Board to dismiss the case as being without merit.
- Subject:** Kurt Edson, Cancelled APE #32401
Case No.: 2010-000287
Summary: The Board reviewed the complaint filed against him by the State Electrical Board and Mr. Edson's response to the complaint. This complaint alleged that Mr. Edson is advertising electrical work without the proper licensure or registration.
- Action:** It was the decision of the Board to issue a Cease and Desist Order to Kurt Edson for offering electrical contracting services without the proper registration.
- It was the decision of the Board to refer this matter to the Examining Board of Plumbers for review of any potential license law violation.
- Subject:** Brandon W. Guthrie, Lapsed RW
Case No.: 2009-003042
Summary: The Board reviewed the complaint filed against Mr. Guthrie by the State Electrical Board, and information regarding his failure to respond to the complaint. This complaint alleged that Mr. Guthrie is offering electrical contracting services on Craigslist as a licensed residential wireman electrician and without the proper registration.
- Action:** It was the decision of the Board to issue a Cease and Desist Order to Brandon W. Guthrie for offering electrical contracting services without the proper registration and directed staff to place an alert on Mr. Guthrie's record that would require he interview with the Board before renewing his RW license or obtaining further licensure.
- Subject:** Donald G. Harder, JW #101264
Case No.: 2009-004249
Summary: Board member, Scott Berg, recused himself from discussion and vote and left the room. The Board reviewed the complaint filed against Mr. Harder by the State Electrical Board, and Mr. Harder's response to the complaint. This complaint

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alleged that Mr. Harder is advertising electrical work without the proper registration.

Action: It was the consensus of the Board to issue a Letter of Admonition to Donald G. Harder for offering electrical contracting services without the proper registration.

Subject: Ron Harrison, ME #27128

Case No.: 2010-000226

Summary: The Board reviewed the complaint filed against Mr. Harrison by Jerry D. Johnson, and Mr. Harrison's response to the complaint. This complaint alleged that Mr. Harrison failed to meet generally accepted standards of the electrical practice by failing to be covered by workers compensation insurance.

Action: It was the decision of the Board to dismiss the case as being without merit.

Subject: James H. Hodges, Unlicensed (JW pending)

Case No.: 2009-004327

Summary: The Board reviewed the complaint filed against Mr. Hodges by the State Electrical Board, and Mr. Hodges' response to the complaint. This complaint alleged that Mr. Hodges is offering electrical contracting services on Craigslist without the proper registration.

Action: It was the decision of the Board to table this matter pending additional information from Mr. Hodges.

Subject: Homestead Builders, Unlicensed / Unregistered

Case No.: 2010-000246

Summary: The Board reviewed the complaint filed against Homestead Builders by Jeff Stewart Electrical Services and Glenn Elliott's response to the complaint on behalf of the company. This complaint alleged that Homestead Builders is performing electrical installations without proper registration.

Action: It was the consensus of the Board to dismiss the case as being without merit.

Subject: Travis E. Marque, JW #104913

Case No.: 2010-000368

Summary: The Board reviewed the complaint filed against Mr. Marque by Robert Myers and Mr. Marque's response to the complaint. This complaint alleged that Mr. Marque is performing electrical installations without proper registration.

Action: It was the decision of the Board to table this matter to obtain additional information from Richards Electric and Marque Solutions.

Subject: Armando G. Morales, ME# 28518

Case No.: 2010-000218

Summary: The Board reviewed the complaint filed against Mr. Morales by Kenneth B. Stockton and Right Hand Electric Office Manager, Daniel K. Campbell's, response to the complaint on behalf of Mr. Morales. This complaint alleged that Mr. Morales is employing and allowing unlicensed people to perform electrical work.

Action: It was the decision of the Board to refer this case to DORA's Office of Investigations.

Subject: John Oles, Unlicensed / Unregistered

Case No.: 2009-004258

Summary: The Board reviewed the complaint filed against Mr. Oles by William J. Whitcomb and Mr. Oles' response to the complaint. This complaint alleged that Mr. Oles is advertising to perform electrical work without the proper licensure or registration.

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Action: It was the consensus of the Board to issue a Cease and Desist Order to John Oles, dba as Electrical Spas Plumbing, and dba ESP Property Maintenance from offering to perform and performing electrical work without the proper registration.

Subject: Ronald Plese, ME#29197

Case No.: 2009-002029

Summary: The Board re-opened the complaint filed against Mr. Plese by Kevin Amsberry, Big Sky Sunrooms, Inc. along with the additional information submitted by the complainant and Mr. Plese's subsequent response to the complaint. This complaint alleged that Mr. Plese failed to meet the generally accepted standards of the electrical practice.

Action: It was the consensus of the Board to dismiss the case as being without merit.

Subject: Ronald Plese, ME#29197

Case No.: 2009-003855

Summary: The Board reviewed the complaint filed against Mr. Plese by Kevin Amsberry, Big Sky Sunrooms, Inc. and Mr. Plese's response to the complaint. This complaint alleged that Mr. Plese failed to meet the generally accepted standards of the electrical practice.

Action: It was the consensus of the Board to dismiss the case as being without merit.

Subject: Ronald Plese, ME#29197

Case No.: 2009-003856

Summary: The Board reviewed the complaint filed against Mr. Plese by Kevin Amsberry, Big Sky Sunrooms, Inc. and Mr. Plese's response to the complaint. This complaint alleged that Mr. Plese failed to meet the generally accepted standards of the electrical practice.

Action: It was the consensus of the Board to dismiss the case as being without merit.

Subject: Ronald Plese, ME#29197

Case No.: 2009-003857

Summary: The Board reviewed the complaint filed against Mr. Plese by Kevin Amsberry, Big Sky Sunrooms, Inc. and Mr. Plese's response to the complaint. This complaint alleged that Mr. Plese failed to meet the generally accepted standards of the electrical practice.

Action: It was the consensus of the Board to dismiss the case as being without merit.

Subject: Ronald Plese, ME#29197

Case No.: 2009-003858

Summary: The Board reviewed the complaint filed against Mr. Plese by Kevin Amsberry, Big Sky Sunrooms, Inc. and Mr. Plese's response to the complaint. This complaint alleged that Mr. Plese failed to meet the generally accepted standards of the electrical practice.

Action: It was the consensus of the Board to dismiss the case as being without merit.

Subject: Kevin R. Robbins, ME#5007

Case No.: 2009-003858

Summary: Board member, Scott Berg, recused himself from discussion and vote and left the room. The Board reviewed the complaint filed against Mr. Robbins by Christopher Bybee and Mr. Robbins' response to the complaint. This complaint alleged that Mr. Robbins failed to meet the generally accepted standards of the electrical practice by failing to correct electrical code violations.

Action: It was the consensus of the Board to dismiss the case as being without merit.

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Subject: Your American Handyman, Unlicensed/Unregistered
Case No.: 2010-000246
Summary: The Board reviewed the complaint filed against Your American Handyman by the State Electrical Board and Dave Cook's response on behalf of the company. This complaint alleged that the company is advertising without the proper licensure or registration.
Action: It was the consensus of the Board to issue a Cease and Desist Order to Your American Handyman for offering (advertising) to perform electrical work without the proper registration.

C. Compliance Monitoring

Summary: The Board reviewed the consent agenda for the quarterly reports submitted through September 8, 2009.
Action: It was the decision of the Board to approve the following quarterly reports:

Douglas M Abernathy, ME	George B. Hodges, JW
Mark E. Bogel, ME	Edward A. Jueschke, ME
Bradley L. Burket, JW	Joseph T. Lyden, ME
Eugene F. Carner, JW	Jason N. Mascarenas, APE
Dana R. Clair, JW	William E. Newell, Jr. JW
Galen G. Drennan II, ME	Daniel S. Payne, JW
John P. Engelbrecht, JW	James E. Quilter, Jr., APE, Pending RW
Javier Garcia, JW	Justin P. Sack, APE
Matthew M. Gosch, JW	Christopher S. Varenhorst, APE/RW
Richard R. Herrin, APE	

The following Quarterly Reports were removed from the consent agenda for further review and voted on as noted.

Subject: Michael S. Furlong, JW #111499

Action: It was the decision of the Board to table this matter pending additional information from Mr. Furlong.

Subject: Robert J. Haven, APE #30096, JW Pending

Action: It was the decision of the Board to accept the report.

Based on the information reviewed, it was the decision of the Board to initiate a complaint against Robert J. Haven for violating a Board Order by failing to comply with the practice restrictions within the Stipulation and Final Agency Order he signed with the Board.

Subject: John W. Lindsay, JW #111025

Action: It was the decision of the Board to accept the report, deny Mr. Lindsay's request for early release from probation, and require he continue to provide Quarterly Reports.

Based on the information reviewed, it was the decision of the Board to initiate a complaint against John W. Lindsay for violation of a Board Order by obtaining additional felony convictions while on Board ordered probation.

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Subject: Tony F. Lowery, JW #12720

Action: It was the decision of the Board to accept the report.

Subject: John N. Oxford, JW #110343

Action: It was the decision of the Board to accept the report and lift the probation on Mr. Oxford's license.

Subject: David C. Pompa, JW #104860

Action: It was the decision of the Board to accept the report and deny Mr. Pompa's request for early release from probation.

Subject: Durrell L. Smith, JW #9869

Action: It was the decision of the Board to accept the report.

Subject: Roland L. Young, JW

Action: It was the decision of the Board to table for incomplete reporting.

D. Request for Re-Affirmation of Minute Order

Business: Board Review of Minute Order concerning Initial Decisions

Summary: The Board reviewed the original Minute Order dated March 26, 2007 to allow sufficient time for the Board to review Initial Decisions prior to becoming effective. The Minute Order was updated to include current Board members.

Action: It was the decision of the Board to approve the Minute Order as amended.

VII EXECUTIVE SESSION

At 12:33 p.m., Board President, Loren Priest, 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 counsel regarding the legal basis for potential disciplinary action and, where warranted, recommend settlement guidance regarding the following matters: Elmer Bunek, Keith B. Gibson, Kyle B. Gibson, Sierra Electric Enterprises, Inc.; Reports of Investigation in case numbers 2009-004085, 2009-004329; 2009-004326, 2009-004328, and 2009-004305; Case Status Report of the Office of Expedited Settlement; reconsideration of case 2009-002315; and the Case Status Report of the Office of the Attorney General.

The motion was seconded by George Nightingale and unanimously carried with seven members in attendance. At least two-thirds of the entire membership of the Board voted in favor of the motion.

The Board returned to open session at 2:03 p.m.

X OTHER BUSINESS

Business: Report of Investigation - Done Right Electric, Unregistered

Case No.: 2009-004329

Summary: In executive session the Board reviewed the Report of Investigation prepared by DORA's Office of Investigations regarding a complaint filed against Done Right Electric by the Board. This complaint alleged that the company was advertising on Craigslist to offer electrical contracting services without the proper registration.

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Action: In open session, the Board voted to issue a Cease and Desist Order to Done Right Electric, dba Affordable Electric, for offering electrical contractor services without the proper registration.

Based on the information reviewed, it was the decision of the Board to initiate a complaint against Yanni Electric for allegedly loaning their license.

Based on the information reviewed, it was the decision of the Board to initiate a complaint against Patrick Trujillo for offering to provide electrical contracting services without the proper licensure and registration.

Business: Report of Investigation – Donald R. Underhill, Unlicensed

Case: 2009–004328

Summary: In executive session, the Board reviewed Report of Investigation prepared by DORA’s Office of Investigations regarding a complaint filed against Mr. Underhill by the Board. This complaint alleged that Mr. Underhill was advertising on Craigslist to perform electrical work without the proper licensure or registration.

Action: In open session, the Board voted to issue a Cease and Desist Order to Donald R. Underhill for offering electrical contractor services without the proper registration.

Business: Report of Investigation – Unknown, Unlicensed

Case: 2009–004305

Summary: In executive session the Board reviewed the Report of Investigation prepared by DORA’s Office of Investigations regarding a complaint filed against an Unknown individual. This complaint alleged that the respondent was advertising on Craigslist to provide electrical services.

Action: It was the decision of the Board to dismiss the case as being without merit.

XI ADJOURNMENT

With all business completed, the meeting was adjourned at 2:07 p.m. The next meeting is scheduled as a telephone conference for Monday, October 26, 2009 at 9:00 a.m.

Approved by: Loren R. Priest, President

Date: October 26, 2009