

RECORD OF PROCEEDINGS

MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD AT 1560 BROADWAY, SUITE 1380, DENVER, COLORADO ON Monday, January 26, 2009

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

I MEETING – CALL TO ORDER

Board Chair Loren Priest called the meeting to order at 9:30 a.m.

II RECOGNITION OF MEMBERS PRESENT

Loren Priest	Public Member, Chair
George Nightingale	Electrical Contractor, Vice-Chair
Jose Amaya (departed at 3:15 p.m.)	General Contractor
Scott Berg	Building Official
Rory Berumen	Journeyman Electrician
Melissa Browning-Sletten	Electrical Utility
Jerry Coffee	Electrical Contractor
Robin Kittel	Electrical Utility
Terry Schneider	Master Electrician

MEMBERS ABSENT

None

OTHERS PRESENT

Charles H. Adams	Program Director
Stephen Conrad	Chief Inspector
Jason Loughman	Assistant Attorney General
Dennis Rhodes	Office of Expedited Settlement
Kevin Huff	Investigator, Office of Investigations
David Sexton	Investigator, Office of Investigations
Joyce J. Young	Enforcement Unit Supervisor
Marian Zabel	Administrative Assistant
Bryan Jameson	DORA Policy Analyst

III PREVIOUS BOARD MEETING MINUTES

It was the decision of the Board to approve the minutes of the December 15, 2008 meeting, as amended.

IV REPORTS FOR RATIFICATION

A. Review of Report of Final Agency Actions

Citations Issued

1. Carlton Electric Co., EC
2. Paul B. Roy, ME
3. David S. Rutherford, JW
4. Superior Installation, EC

Cease and Desist Orders

1. Agnes Murawski, Unlicensed
2. Josef A. Lopez, APE

RECORD OF PROCEEDINGS

Stipulations

1. Seth Ryan Finn Armer, JW
2. David B. Hainline, JW
3. Shaun P. Hannenman, RW
4. Robert John Haven, APE
5. George Benjamin Hodges, Jr., JW
6. Timothy Lawson, JW
7. T-N-T Electric, EC
8. Bradford Thomas Walton, JW

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

B. Felony Audit Progress Report

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

V STAFF COMMENTS

Program Director Charles H. Adams introduced Bryan Jameson, Policy Analyst for DORA. Mr. Jameson will be taking the Board through the sunset process. Mr. Jameson briefly discussed the process, explaining that all boards have a sunset process where the board's effect on the health, safety, and welfare for the residents of the State of Colorado will be evaluated. Following the review process, recommendations are made to either sunset the Board, retain the Board, or retain the Board with modifications. During the ten month review, Mr. Jameson will observe state electrical inspectors during the inspection process. Mr. Jameson will also contact Board members.

Mr. Adams stated that the senate confirmation hearing for newly appointed and re-appointed members would be held following the next Board meeting, Monday, February 23, 2009.

Section Director, Angeline Kinnaird Linn provided an overview of Senate Bill 09-064 concerning building inspections relating to utilities. Members expressed concern over portions of this bill.

Ms. Kinnaird Linn also gave an overview of House Bill 09-1136 concerning a person's competency to perform electrical work. Member Berumen worked on the task force for this bill and provided insight into its progression.

Mr. Adams will e-mail a link to the Colorado General Assembly to enable members to follow the progress of both bills.

VI ANNUAL DESIGNATION OF THE 2009 BOARD MEETING NOTICES

Business: 2009 Designation for the Location of Board Meeting Notices

Summary: The State Electrical Board annually designates the location where their meeting notices will be posted in compliance with §24-6-402, C.R.S.

Action: It was the decision of the Board to designate the reception area of the Division of Registrations Suite 1350 of the One Civic Center Plaza Building, Denver, Colorado, as the posting location for meeting notices.

VII REVIEW OF BOARD BUSINESS

A. Requests for Variance

The following variance requests were submitted to the Board by January 6, 2009, and in accordance with § 12-23-104(2)(g), C.R.S., the Board is authorized to review and approve or

RECORD OF PROCEEDINGS

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: Thompson School District, Christopher Wren, CEI Consulting Engineers
Summary: The Board considered a variance request submitted by Christopher Wren, CEI Consulting Engineers. This request is for the reclassification of the carpentry shop at the Thompson School District, New Transportation Facility located in Loveland, Colorado.

Action: It was the decision of the Board to grant this variance for the reclassification of the Thompson School District carpentry shop located at the new transportation facility from a Class II, Division I requirement to a standard classification with the following:

Findings of fact

1. The school district requires the woodshop operator to maintain good housekeeping practices (schedule provided).
2. Under the circumstances stated in the 2004 edition of NFPA 499 Article 5.4.1 (5) and (6) allows for such installations to be reclassified.
3. The Board is in receipt of a letter of concurrence for declassification from the local fire department.

Provisions

1. The woodshop shall be built as designed using listed equipment.
2. The woodshop, as designed, shall contain a wood dust collection system.

B. Complaints Review

Subject: Bob Dawson, Unlicensed

Case No.: 2009-000020

Summary: The Board reviewed the complainant's response the Board's request for additional information regarding the tabled complaint filed against Mr. Dawson. This complaint alleged that Mr. Dawson is performing electrical work on his rental property without being licensed and without a permit or inspections. Mr. Dawson did not respond to the allegations.

Action: It was the decision of the Board to table action on this matter and requested that a state inspector perform a safety inspection and report the findings to the Board.

Subject: 5 State Security and Electrical, LLC, EC 7451

Case No.: 2009-001053

Summary: The Board reviewed the complaint filed against 5 State Security and Electrical, LLC by the Board. This complaint alleged that 5 State Security and Electrical, LLC may be operating without a responsible master. 5 State Security and Electrical, LLC did not respond to the allegations.

Action: It was the decision of the Board to refer this matter for discipline.

Subject: 59 Minute Service, EC #6659

Case No.: 2009-001515

Summary: The Board reviewed James E. Maule's response to the complaint filed against 59 Minute Service by John Speidel, Building Inspector for the City of Longmont. This complaint alleged that 59 Minute Service performed electrical work without a permit and inspection.

Action: It was the decision of the Board to refer 59 Minute Service for discipline.

RECORD OF PROCEEDINGS

It was the decision of the Board to initiate a complaint against James E. Maule, ME #25420, for failure to meet generally accepted standards of electrical practice in not obtaining a permit or inspection.

After discussion in executive session, it was the decision of the Board to refer the complaint initiated against Mr. Maule for discipline.

Subject: Certified Electric Supply, Inc., Unregistered

Case No.: 2009-001205

Summary: The Board reviewed Gary L. Jensen's response to the complaint filed against Certified Electric Supply, Inc. by the State Electrical Board. This complaint alleged that Certified Electric Supply, Inc. is contracting without the proper registration and responsible master electrician.

Action: It was the decision of the Board to dismiss the complaint for lack of an apparent license law violation.

Subject: Steven T. Gilbert, JW #105617

Case No.: 2009-000990

Summary: The Board reviewed Mr. Gilbert's response to the complaint filed against him by the State Electrical Board. This complaint alleged that Mr. Gilbert failed to maintain the apprentice ratio and failed to supervise apprentices.

Action: It was the decision of the Board to issue a Letter of Admonition to Mr. Gilbert for failure of a licensed electrician to supervise and maintain ratio of apprentices at the jobsite.

Subject: Nicholas L. House, APE #40669

Case No.: 2009-000988

Summary: The Board reviewed the complaint filed against Mr. House by the State Electrical Board. This complaint alleged that Mr. House was performing electrical work without supervision. Mr. House did not respond to the allegations.

Action: It was the decision of the Board to issue a Letter of Admonition to Mr. House for failure of an apprentice to be supervised by a licensed electrician while engaging in electrical work.

Subject: Thomas Hughes, Atomic Electric, ME #25727

Case No.: 2009-001525

Summary: The Board reviewed Mr. Hughes' response to the complaint filed against him by Gretchen Faber of The Kentwood Company at Cherry Creek. This complaint alleged that Mr. Hughes performed electrical work without a permit or inspection.

Action: It was the decision of the Board to refer this matter for discipline.

After discussion in executive session, it was the decision of the Board to issue Mr. Hughes a Letter of Admonition for failure to meet generally accepted standards of the electrical practice in not obtaining a permit or inspections.

Subject: Jared D. Lopez, APE #40102

Case No.: 2009-000986

Summary: The Board reviewed the complaint filed against Mr. Lopez by the State Electrical Board. This complaint alleged that Mr. Lopez performed electrical work without the supervision of a licensed electrician. Mr. Lopez did not respond to the allegations.

Action: It was the decision of the Board to issue a Letter of Admonition to Mr. Lopez for failure of an apprentice to be supervised by a licensed electrician while engaging in electrical work.

RECORD OF PROCEEDINGS

Subject: Robert C. Ramirez, JW #110153
Case No.: 2009-001906
Summary: The Board reviewed Mr. Ramirez' response to the complaint filed against him by the State Electrical Board. This complaint alleged that Mr. Ramirez was contracting and performing commercial electrical work through R. R. Electrical Services without the proper licensure and/or registration.
Action: It was the decision of the Board to refer this matter for discipline.

After discussion in executive session, it was the decision of the Board to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Subject: Red Lab Electric, Inc., Unregistered
Case No.: 2009-001935
Summary: The Board reviewed Phillip Freeman's response to the complaint filed against Red Lab Electric, Inc. by the State Electrical Board. This complaint alleged that Red Lab Electric, Inc. is contracting without the proper licensure or registration.
Action: It was the decision of the Board to issue a Cease and Desist Order to Red Lab Electric, Inc. for contracting without the proper licensure or registration.

It was the decision of the Board to initiate a complaint against Phillip Freeman, ME #26916, for practicing beyond the authorization of the license held and refer for discipline.

After discussion in executive session, it was the decision of the Board issue Mr. Freeman a Letter of Admonition.

Subject: Hernan Rodriguez, Unlicensed
Case No.: 2009-001692
Summary: The Board reviewed the complaint filed against Mr. Rodriguez by State Electrical Inspector Kenneth Teutsch. This complaint alleged that Mr. Rodriguez performed electrical work beyond the authorization of the electrical license he holds. Mr. Rodriguez did not respond to the allegations.
Action: It was the decision of the Board to dismiss the complaint for lack of an apparent license law violation.

Subject: Sure Shock Electric, Inc., EC #6118
Case No.: 2009-001519
Summary: The Board reviewed Thom Heinzeroth's response to the complaint filed against Sure Shock Electric, Inc. by Robert Chappel from the City of Westminster. This complaint alleged that Sure Shock Electric, Inc. employed an unlicensed individual, Anthony Louis Sarno, to perform electrical work without the proper apprentice registration, license or supervision.
Action: It was the decision of the Board to refer this matter for discipline.

Subject: Fernando A. Villa, APE 26891
Case No.: 2009-000987
Summary: The Board reviewed the complaint filed against Fernando A. Villa by the State Electrical Board. This complaint alleged that Mr. Villa was performing electrical work without supervision. Mr. Villa did not respond to the allegations.
Action: It was the decision of the Board to issue a Letter of Admonition to Mr. Villa for failure of an apprentice to be supervised by a licensed electrician while engaging in electrical work.

RECORD OF PROCEEDINGS

Subject: Phillip Velasquez, Unlicensed
Case No.: 2009-001518
Summary: The Board reviewed the complaint filed against Mr. Velasquez by Beth Conway. This complaint alleged that Mr. Velasquez performed electrical at a home owner's property without being licensed and without a permit or inspection. Mr. Velasquez did not respond to the allegations.
Action: It was the decision of the Board to issue a Cease and Desist Order to Mr. Velasquez.

C. Compliance Monitoring

Subject: The Board reviewed the consent agenda for the quarterly reports submitted through January 6, 2009.

Action: It was the decision of the Board to approve the following quarterly reports:

Daniel P. Barela, JW, RW	Javier Garcia, JW	Cory E. Ott, JW
Marke E. Bogle, ME	Michael D. Jones, JW	John N. Oxford, JW
Bradley L. Burkett, JW	Edward A. Jueschke, ME	Kenneth N. Parris, JW
Eugene F. Carner, Jr., JW	Donald E. Keller, APE	Michael E. Roop, ME, JW
Edward R. Daly, JW	John W. Lindsay, JW	Troy R. Taylor, APE
Daniel A. DelMuro, APE	Gregory B. Medina, JW	Christopher Varenhorst,
John E. Fink, ME	Michael Neuschwanger, JW	RW, APE

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

Subject: Gustavo A. Anaya, APE #38839

Action: It was the decision of the Board to table this report and request that Mr. Anaya obtain a letter from his employer verifying that he is working in uninhabited facilities.

Subject: Cleytus J. Baker, JW #108082

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

Subject: Steven E. Banks, ME #29270

Action: It was the decision of the Board to accept reports one, two, and three and toll the time on report three for unemployed status.

Subject: Christopher A. Hall, RW #78737

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

Subject: Richard R. Herrin, APE #36845

Action: Board member Browning-Sletten recused from discussion and vote and left the room. It was the decision of the Board to accept the report.

Subject: Patrick T. Hodgson, JW #7679

Action: Board member Browning-Sletten recused from discussion and vote and left the room. It was the decision of the Board to accept the 10th report and toll the time for late reporting and directed that he submit all future reports on time. Mr. Hodgson failed to submit the 11th report for unemployed status.

Subject: Rodney L. Jeffers II, APE #36725

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

RECORD OF PROCEEDINGS

Subject: Robert W. Reed, APE #941416

Action: It was the decision of the Board to accept the final report and lift the probation on Mr. Reed's apprentice registration.

Subject: Norman J. Semanik, JW #89545

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

Subject: Richard Vasquez, ME #25863

Action: It was the decision of the Board to refer this matter for discipline. After discussion in executive session it was the decision of the Board to deny the report for late submittal and toll the time from this report and the 4th quarterly report Mr. Vasquez failed to submit.

D. Request for Reconsideration of Board Directive for Licensee/Registrants that are Incarcerated

Business: Request for Reconsideration of Board Directive

Summary: At the November 24, 2008 meeting the Board reviewed and approved direction to staff in the processing of applications for the licensing of incarcerated individuals. Board staff would like to recommend the same revision for currently licensed/registered individuals. The revised directive would read: "If a licensee/registrant is in prison, community corrections, a halfway house, or restricted with an ankle bracelet, the Board will review the situation and licensee/registrant on a case by case basis."

Action: It was the decision of the Board to accept the revised directive.

VIII APPLICATION/INTERVIEWS

A. Reinstatement

Business: Robert J. Weston, ME #27717

Summary: The Board considered Mr. Weston's application for the reinstatement of his master electrician license #27717. Mr. Weston is currently incarcerated in the Department of Corrections with a projected release date in February 2015. He has been working under a licensed electrician while incarcerated and has passed his renewal examination.

Action: It was the decision of the Board to refer this matter for discipline. After discussion in executive session, it was the decision of the Board to reinstatement Mr. Weston's master electrician's license.

IX EXECUTIVE SESSION

It was the decision of the Board to go into executive session pursuant to §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.

Attorney-client items were considered in executive session from 1:10 p.m. to 3:20 p.m. By unanimous agreement, the Board went out of executive session.

RECORD OF PROCEEDINGS

X OTHER BUSINESS

Business: Review of Report of Investigation
Case: Robert D. Arguello, APE #980391
Summary: In executive session, the Board reviewed the Report of Investigation presented by Investigator Kevin D. Huff involving respondent Mr. Arguello. This complaint alleged that Mr. Arguello was in possession and using a fraudulent journeyman electrician's license.
Action: After discussion in executive session, it was the decision of the Board refer this matter for discipline. This matter has been turned over to a local jurisdiction for fraudulent activity.

Business: Review of Report of Investigation
Case: Philip M. Maass, Unlicensed
Summary: In executive session, the Board reviewed the Report of Investigation presented by Investigator David Sexton involving respondent Mr. Maass. This complaint alleged that Mr. Maass was in possession and using a fraudulent journeyman electrician license.
Action: After discussion in executive session it was the decision of the Board to dismiss this matter. This matter has been turned over to a local jurisdiction for fraudulent activity.

XI ADJOURNMENT

With all business completed, the meeting was adjourned at 3:30 p.m. The next meeting is scheduled for Monday, February 23, 2009 at 9:30 a.m. via telephone conference.

Approved by: Loren R. Priest, Chair

Date: February 23, 2009

Attestation:

Pursuant to §24-6-402(2)(d.5)(1)(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: Loren R. Priest, Chair

Date: February 23, 2009