

RECORD OF PROCEEDINGS

MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD AT 1560 BROADWAY, SUITE 1550, DENVER, COLORADO ON MONDAY, March 24, 2008

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 9:30 a.m.

II RECOGNITION OF MEMBERS PRESENT:

Richard Brinkley	Electrical Utility, Board Chair
Jeffrey Pagnard	Building Official, Board Vice Chair
Melissa Browning-Sletten	Electrical Utility
Jerry Coffee	Electrical Contractor
George Nightingale	Electrical Contractor
Loren Priest	Public Member
Clifford Rediger	Master Electrician
Doug Tamminga	General Contractor

MEMBERS ABSENT:

Terry Schneider	Master Electrician
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OTHERS PRESENT:

Charles H. Adams	Program Director
Angeline Kinnaird Linn	Section Director
Stephen Conrad	Chief Inspector
Ofelia Duran	Office of Expedited Settlement
Kennetha Rhodes	Director, OES
Betty Wytias	Assistant Attorney General
David Sexton	Investigator, Office of Investigations
William Schlitter	Investigator, Office of Investigations
Les J. Roberts	Investigator, Office of Investigations
Lamidia Hayes	Complaint Analyst
Joyce J. Young	Enforcement Unit Supervisor
Marian Zabel	Administrative Assistant

III APPROVAL OF PREVIOUS MEETING MINUTES:

A motion was made to approve the minutes of the February 25, 2008 meeting as amended. The motion was seconded and unanimously carried.

IV STAFF COMMENTS

Section Director Angeline Kinnaird Linn congratulated Board members Melissa Browning Sletten and Jerry Coffee for their unanimous approval by the Senate Business, Labor and Technology Committee during the Confirmation Hearing on February 25, 2008.

RECORD OF PROCEEDINGS

IV STAFF COMMENTS (continued)

Ms. Kinnaird Linn also provided an update on House Bill 08-1170 – concerning the regulation of electricians. This bill will appear before the Senate on Wednesday, March 26th. At present, the Department is discussing continuing competency for license renewal in lieu of continuing education as addressed in this bill. Currently, a 25 question examination is being used to update licensees on the code at the time of their renewal.

Program Director Charles H. Adams also congratulated Melissa Browning Sletten and Jerry Coffee on their successful Confirmation Hearing.

Mr. Adams advised the Board that for individual identity security reasons the database information sheet will not be provided in the monthly meeting agenda packets for Board Members.

Chief Inspector Steve Conrad announced that a new inspector was hired for the Gunnison area, Don Dubie. Mr. Dubie was an electrical contractor in Olathe, Colorado for ten years before accepting this position with DORA.

V GENERAL SESSION

Business: Summit County Builders Association – correspondence
Summary: David R. Koons, President for the Summit County Builders Association expressed in a letter dated February 11, 2008 the Association's opinion on the adoption of the 2008 National Electrical Code (NEC) proposed for July 1, 2008. Mr. Koons stated in his letter: 1) the Association would like the Board to consider excluding the Arc-Fault Circuit Interrupters (AFCI) beyond the current code (2005 NEC) and; 2) concerns regarding the uncertainty of the code revision on Tamper-Resistant Receptacles.
Action: No action necessary.

Business: Colorado Springs Housing and Building Association – correspondence
Summary: Bobby Ingels, President of the Housing & Building Association of Colorado Springs registered opposition to the adoption of the 2008 NEC in its current form in a letter dated February 15, 2008. Mr. Ingels also addressed the possible affordability impact in requiring additional safety products.
Action: No action necessary.

Business: Ohio Chapter, International Association of Electrical Inspectors – correspondence
Summary: Jack Jamison, President of the Ohio Chapter, International Association of Electrical Inspectors (IAEI) provided information to the Board in correspondence entitled "Let the Code Decide". Statistics were outlined that mitigated the argument about the additional expense incurred with the adoption of the 2008 NEC in residential properties for the installation of AFCI and Tamper Resistant Receptacles.
Action: No action necessary.

RECORD OF PROCEEDINGS

Business: Adopt and revise the Electrical Board Rules
Summary: The Board reviewed the proposed adoptions and revisions to the current Colorado Electrical Board Rules as presented in the fourth draft.
Action: A motion was made to publish the adoption of the rules with editorial changes. The motion was seconded and unanimously carried.

VI APPLICATION REVIEW

Business: Patrick Yves Honegger – journeyman wireman with foreign documentation
Summary: Patrick Yves Honegger appeared before the Board to answer questions about his application for the journeyman examination that included out-of-country documentation and current wiring experience in Colorado. Board Member Cliff Rediger recused himself from discussion and vote and left the room.
Action: A motion was made to approve Mr. Honegger to test at the journeyman level. The motion was seconded and carried.

VII COMPLAINTS / DISCIPLINE

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 3903000300 David Hainline – ME 28865 / EC 6792
Summary: The Board reviewed the thirteenth quarterly report provided by David Hainline, dated January 1, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Hainline's report. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2004-003408 Stephen Rodriguez – ME 104007
Summary: The Board reviewed Stephen Rodriguez's seventh quarterly report dated October 15, 2007 (resubmitted with proper signature) and eighth (final) quarterly report dated February 1, 2008 in compliance with his Stipulation and FAO. In addition, a letter dated January 30, 2008 was submitted requesting termination from his Board probation.
Action: A motion was made to accept Stephen Rodriguez's quarterly reports. The motion was seconded and unanimously carried.
Second Action: A second motion was made to release Mr. Rodriguez from his Board probation. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2006-001134 Hanson Electric / Meldon Hanson – EC 4029 / ME 2599
Summary: The Board reviewed the seventh quarterly report provided by Meldon Hanson, dated, February 23, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Hanson's report. The motion was seconded and unanimously carried.

RECORD OF PROCEEDINGS

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2006-002127 Joseph Koldeway – APE 33210
Summary: The Board reviewed the seventh quarterly report provided by Joseph Koldeway, dated March 4, 2008, 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: 2006-002737 Edwin Eugene Elliott – JW 100322
Summary: The Board reviewed the third quarterly report provided by Edwin Eugene Elliott, dated January 24, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Elliott's report. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2006-002748 Edgar E. Gonzalez – APE 32123
Summary: The Board reviewed the fourth (final) quarterly report provided by Edgar E. Gonzalez, dated April 9, 2007 and in compliance with the terms of his Stipulation and FAO. In addition, Mr. Gonzalez submitted a letter dated February 13, 2008 requesting termination from his Board probation.
Action: A motion was made to accept his quarterly report and release Edgar E. Gonzalez from his Board probation. 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 seventh quarterly report provided by Zachary Seth Olesen, dated February 7, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Olesen's report. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2006-003714 Daniel Paul Barela – RW 78682
Summary: The Board reviewed the first quarterly report provided by Daniel Paul Barela, dated January 14, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to deny Mr. Barela's quarterly report and request dates be recorded in chronological order. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2006-004310 Robert Reed – APE 941416
Summary: The Board reviewed the fifth quarterly report provided by Robert Reed in compliance with his Stipulation and FAO. In addition, Mr. Reed submitted a written request to take the residential wireman examination before his Stipulation was completed.
Action: A motion was made to accept Mr. Reed's quarterly report but deny his request to take the examination. The motion was seconded and unanimously carried.

RECORD OF PROCEEDINGS

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 fifth quarterly report provided by Albert Kittridge Blakey, dated January 20, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Blakey's report. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2007-000035 Cleytus Joe Baker – JW 108082
Summary: The Board reviewed the first quarterly report provided by Cleytus Joe Baker, dated January 31, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Baker's report. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2007-002132 Rance Gilbert Simmons – APE 36342
Summary: The Board reviewed the second quarterly report provided by Rance Gilbert Simmons, dated January 2, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Simmons' report. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2007-002209 Steven John Slate – JW 109061
Summary: The Board reviewed the first and second quarterly reports provided by Steven John Slate, dated February 24, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Slate's reports but toll the time on his first quarterly report for late submittal and for working in a non-electrical field. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2007-002262 Michael Duane Jones – JW 10256
Summary: The Board reviewed the first quarterly report provided by Michael Duane Jones, dated February 4, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Jones' report. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2007-002722 Bryan Danny Almanzar – RW 78643 / APE 30712
Summary: The Board reviewed the second quarterly report provided by Bryan Almanzar, received February 15, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to deny Mr. Almanzar's report and request actual dates worked for this quarter. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2007-002753 Christopher Shaun Varenhorst – RW 78631 / APE 991166
Summary: The Board reviewed the second quarterly report provided by Christopher Shaun Varenhorst, dated January 24, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Varenhorst's report. The motion was seconded and unanimously carried.

RECORD OF PROCEEDINGS

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2007-000048 Eugene Francis Carner, Jr. – JW 12292
Summary: The Board reviewed the first quarterly report provided by Eugene Francis Carner, Jr., dated January 31, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Carner's report. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2007-000061 Seth Ryan Finn Armer – JW pending / APE 981741
Summary: The Board reviewed the first quarterly report provided by Seth Armer, dated January 15, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Armer's report. The motion was seconded and unanimously carried.

Business: Compliance with a Stipulation and Final Agency Order (FAO)
Case: 2007-000533 Daniel Nathan Hardin, Jr. – RW pending / APE 950426
Summary: The Board reviewed the first quarterly report provided by Daniel Nathan Hardin, Jr., dated February 2, 2008, in compliance with his Stipulation and FAO.
Action: A motion was made to accept Mr. Hardin's report. The motion was seconded and unanimously carried.

Business: Initial complaint review - no response
Cases: 2008-001246 and 2008-001290
Daniel P. Gillan, Daniel's Electric – APE 981774 canceled
Summary: The Board reviewed two complaints against Daniel P. Gillan of Daniel's Electric. The complaints alleged that Mr. Gillan advertised and conducted business as an electrician under a canceled apprentice registration. Mr. Gillan did not respond to these allegations.
Action: A motion was made to refer cases 2008-001246 and 2008-001290 for discipline. The motion was seconded and unanimously carried.
Second Action: After discussion in executive session a motion was made in open session to consolidate cases 2008-001246 and 2008-001290 with case 2007-003060, that was reviewed in executive session, and issue a cease and desist order to Daniel P. Gillan.

Business: Initial complaint review with response
Case: 2008-001726 Sean N. Hopson – ME 27964 / EC 6406
Summary: The Board reviewed complaint 2008-001726, initiated by Roy Hays. Mr. Hays filed a complaint against Sean N. Hopson President of S & T Electric LLC for failure to complete electrical work for Dr. Vision Works at Flat Irons Mall in Broomfield. Sean Hopson and the City of Broomfield Inspector Giles Schurman responded to the Board concerning this allegation.
Action: A motion was made, seconded and unanimously carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

RECORD OF PROCEEDINGS

Business: Initial complaint review with response
Case: 2008–001812, 2008–001999, and 2008–002001
Robert Wagner, Wagner Electric – ME 4519 / EC 3875
Summary: The Board reviewed three complaints initiated by Eagle County Building Inspector Greg Winders against master electrician Robert Wagner. These cases alleged that on several occasions Inspector Winders observed apprentices Jasen Perse, James Lucero and Neil Shirrell performing electrical work without supervision. Robert Wagner addressed these allegations in a letter dated January 21, 2008.

Action: A motion was made, seconded and unanimously carried to refer cases 2008–001812, 2008–001999, and 2008–002001 for discipline.

Second Action: After discussion in executive session, a motion was made in open session to consolidate cases 2008–001812, 2008–001999, and 2008–002001 and issue a citation to Robert Wagner in the amount of \$2,650 for three violations of § 12-23-110.5, C.R.S for failure to supervise apprentices. The motion was seconded and unanimously carried.

Third Action: A third motion was made to initiate a complaint against apprentice James Lucero for violation of § 12-23-110.5 (1), C.R.S working without supervision. The motion was seconded and unanimously carried.

Fourth Action: A fourth motion was made to initiate a complaint against apprentice Jason Perse for violation of § 12-23-110.5 (1), C.R.S working without supervision. The motion was seconded and unanimously carried.

Fifth Action: A fifth motion was made to initiate a complaint against apprentice Neil Shirrell for violation of § 12-23-110.5 (1), C.R.S working without supervision. The motion was seconded and unanimously carried.

Business: Initial complaint review with response
Case: 2008–001998 Darnell Brown of III D Electric Service – ME 27405 / EC 6057
Summary: The Board reviewed complaint 2008–001998, initiated by Sue L. Hamada. This complaint alleged that Darnell Brown of III D Electric Service performed electrical work without the required permit or inspections. Mr. Brown responded to these allegations in a letter received January 24, 2008.

Action: A motion was made, seconded and unanimously carried to refer this matter for discipline.

Second Action: After discussion in executive session a motion was made in open session to issue a citation in the amount of \$250 to Darnell Brown for violation of § 12-23-116, C.R.S. failure to obtain a permit and inspection. The motion was seconded and unanimously carried.

Business: Initial complaint review with response
Case: 2008–002229 Ralph Mestas, Mestas Electric Co. – ME 869 / EC 1085
Summary: The Board reviewed complaint 2008–002229, initiated by State Electrical Inspector Ron Juul. This case alleged that Inspector Juul observed electrical apprentice and employee of Mestas Electrical Company, Charles Ellermeyer, installing conduit boxes and wire without supervision. Inspector Juul stated that previous citations and verbal warnings have been given to Ralph Mestas. Mr. Mestas responded to these allegations in a letter dated February 25, 2008.

Action: A motion was made, seconded and unanimously carried to refer this matter for discipline.

RECORD OF PROCEEDINGS

Business: Office of Investigations – report
Case: 2007–002811 Galen G. Drennan – ME 4531
Summary: Investigator David Sexton presented, in executive session, his report on case 2007–002811 involving respondent Galen G. Drennan. Mr. Drennan allegedly sold his electrical contractor registration.
Action: After discussion in executive session, a motion was made in open session to issue a letter of admonition to Galen G. Drennan with a \$1000 fine for violation of § 12-23-118 (1), C.R.S for selling his license/registration. The motion was seconded and unanimously carried.

Business: Office of Investigations – report
Case: 2007–003486 Brad Hebig – Unlicensed
Summary: Investigator William Schlitter presented, in executive session, his report on case 2007–003486 involving respondent Brad Hebig. State Inspector Ed Lininger issued a Warning Notice to Mr. Hebig for installing electrical boxes and conduit without a license. Since Mr. Hebig failed to respond to these allegations this matter was referred to the Office of Investigations.
Action: After discussion in executive session, a motion was made in open session to issue a cease and desist order to Brad Hebig. The motion was seconded and unanimously carried.

Business: Office of Investigations – report
Case: 2008–000377 Nicholas G. Demos – JW 9968
Summary: Investigator William Schlitter presented, in executive session, his report on case 2008–000377 involving respondent Nicholas G. Demos. State Inspector Kenneth Teutsch issued a Warning Notice to Mr. Demos for working beyond the authorization of his electrical license and acting as an electrical contractor without proper registration with the Electrical Board. This matter was referred to the Office of Investigations when Mr. Demos failed to respond to these allegations.
Action: After discussion in executive session, a motion was made in open session to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time. The motion was seconded and unanimously carried.

Business: Office of Investigations – report
Case: 2008–000442 James W. Burg – JW 540
Summary: Investigator Les J. Roberts presented, in executive session, his report on case 2008–000442 involving respondent James W. Burg. The Board initiated a complaint against James W. Brug for allegedly advertising, contracting and performing electrical work without an electrical contractor's license.
Action: After discussion in executive session, a motion was made in open session to refer this case for discipline. The motion was seconded and unanimously carried.

RECORD OF PROCEEDINGS

VIII EXECUTIVE SESSION

A motion was made for 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. The motion was seconded and unanimously carried.

Attorney-client items were considered in executive session from 12:45 p.m. to 2:25 p.m. By unanimous agreement, the Board moved to go out of Executive Session.

IX OTHER BUSINESS

With all business completed, the meeting was adjourned at 2:40 p.m. The next meeting is scheduled as a telephone conference on Monday, April 28, 2008 at 9:30 a.m.

Approved by: Jeffrey Pagnard, Acting Chair

Date: April 28, 2008

EXECUTIVE SESSION ATTESTATION March 24, 2008

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: Jeffrey Pagnard, Acting Chair

Date: April 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: April 28, 2008