

# **RECORD OF PROCEEDINGS**

## **MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD AT 1560 BROADWAY, SUITE 1550, DENVER, COLORADO ON MONDAY, July 28, 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 9:33 AM.

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

Richard Brinkley	Electrical Utility, Board Chair
Jeff Pagnard	Building Official, Board Vice Chair
Melissa Browning-Sletten	Electrical Utility
Jerry Coffee	Electrical Contractor
George Nightingale	Electrical Contractor
Loren Priest	Public Member

### **MEMBERS ABSENT:**

Clifford Rediger	Master Electrician
Terry Schneider	Master Electrician
Doug Tamminga	General Contractor

### **OTHERS PRESENT:**

Charles H. Adams	Program Director
Stephen Conrad	Chief Inspector
Betty Wytias	Assistant Attorney General
Kennetha Julien	Office of Expedited Settlement
Les Roberts	Investigator, Office of Investigations
Lamidia Hayes	Complaint Analyst
Donna Norman	Complaints, Applications and Felony 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 June 23, 2008, telephone conference meeting. The motion was seconded and unanimously carried.

### **IV STAFF COMMENTS**

Program Director Charles H. Adams stated that the Governor has not yet taken action to appoint new members and/or reappoint current members for a second term.

Per the Governor's veto message regarding HB08-1170, the Executive Director of the Department of Labor and Employment is in the beginning stages of putting together a stakeholder panel. He has already met with DORA personnel to outline how the process will work. Board members and state electrical inspectors can expect to be contacted in the near future as the Department of Labor and Employment gathers information.

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### **IV STAFF COMMENTS (continued)**

Chief Inspector Steve Conrad updated the Board on state inspector assignment changes. Inspector Ben Baker resigned his inspector position in Park County. Inspector Randy Spangler was reassigned to Park County resulting in a vacancy in the Canon City office.

Mr. Conrad invited interested Board members to participate in question writing for the renewal examinations. Questions will cover the changes incorporated in the 2008 NEC. Mr. Conrad hopes to begin question writing sessions in early September.

### **V GENERAL SESSION**

**Business:** Stan May, May Enterprises - variance request

**Summary:** A request was received from Stan May of May Enterprises to allow the installation and use of an unlisted appliance at the property owned by Acura Engineering and located at 1500 W. Hampden Ave in Sheridan, Colorado. According to § 12-23-104(2)(g), C.R.S. which states that the Board is authorized to review and approve requests for exceptions to the 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

**Action:** A motion was made to grant a permanent variance to the Colorado State Electrical Code requested by Stan May of May Enterprises to allow the use and installation of an unlisted appliance located at 1500 W Hampden Avenue in Sheridan, Colorado with the following provisions and findings of facts:

Provisions:

1. The appliance shall be in proper condition and good working order.
2. The owner shall assume all responsibility and liability for any abnormal events resulting from the use of an unlisted appliance.

Findings of Fact:

1. The Board finds that granting this variance will not compromise public safety.
2. The Board finds the owner has used this appliance for a number of years without incident.

### **VI APPLICATION REVIEW**

**Business:** Federico Valenzuela Bencomo – master application – experience review

**Summary:** The Board considered the electrical experience submitted by Federico Valenzuela Bencomo along with his application for the master examination. The Board noted that Mr. Bencomo verified experience using two different social security numbers.

**Action:** A motion was made to approve Federico Valenzuela Bencomo's experience from April 2001 to present and allow him to test at the master level. In addition, a letter of admonition will be issued to Mr. Bencomo for deception, misrepresentation or fraud in obtaining or attempting to obtain a license. The motion was seconded and carried.

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**Business:** Anthony Wayne Gaupel – ME 4805 revoked / JW 11542 lapsed - reinstatement  
**Summary:** The Board considered Anthony Wayne Gaupel's request for the reinstatement of his journeyman license 11542. Mr. Gaupel's journeyman electrician license lapsed February 28, 1995.

**Action:** A motion was made to table action on Anthony Wayne Gaupel's request. A reinstatement application must be submitted for review. The motion was seconded and unanimously carried.

**Business:** Adolphe Tshiasuma Muteba – master application with foreign documentation  
**Summary:** Adolphe Tshiasuma Muteba's examination application for the master electrical license was reviewed by the Board along with his out-of-country documentation and current wiring experience from Colorado under his apprentice registration (APE 36302). Mr. Muteba attended the meeting and was interviewed by the Board describing his hands-on experience abroad.

**Action:** A motion was made to approve Adolphe Tshiasuma Muteba to test at the master level. The motion was seconded and unanimously carried.

**Business:** Colin Victor Gregg – journeyman application with foreign documentation  
**Summary:** Colin Victor Gregg's examination application for the journeyman electrical license was reviewed by the Board along with his out-of-country documentation and current wiring experience from Colorado under his apprentice registration (APE 39083). Mr. Gregg attended the meeting and was interviewed by the Board describing his hands-on experience abroad.

**Action:** A motion was made to approve Colin Victor Gregg to test at the journeyman level. The motion was seconded and unanimously carried.

## **VII COMPLAINTS / DISCIPLINE**

**Business:** Report of final actions – April 1, 2008 through June 30, 2008  
**Summary:** Cease and Desist Order

- Julian Cordova, unlicensed
- Shawn Hawk, unlicensed
- Doug Meehan, unlicensed
- Chuck Birdwell, unlicensed
- Jason Berry, unlicensed
- Arrow Heating and A/C, unlicensed
- Chester A. Gilliam, unlicensed
- Brad Hebig, unlicensed
- Mike Lachner, unlicensed
- Nicholas House, unlicensed
- Christopher A. Bates, apprentice

### Citation Issued

- Darnell A. Brown, master
- Kristopher A. Mahaffey, apprentice

### Finalized Letter of Admonition (LOA)

- Sun Industries, Inc., electrical contractor
- Chris Ray Lake, residential
- Michael Jon Reynolds, residential

### Revocation

- George Robert Favors, journeyman

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### Stipulation

- Gustavo A. Anaya, apprentice
- Daniel Allen DelMuro, apprentice
- Shane Eric Bussard, journeyman
- John William Lindsay, journeyman
- Josuef Fernando Manzanares, journeyman
- Shaun Richard Satterfield, residential

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

**Business:** Felony audit progress report through July 8, 2008

**Summary:** The Board reviewed the progress report for the felony audit of April 2006.

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

**Business:** Consent Agenda for Review of Quarterly Reports

**Summary:** The Board reviewed the quarterly reports submitted through July 10, 2008.

**Action:** A motion was made, seconded, and unanimously carried to approve the following quarterly reports:

Baker, Cleytus Joe	Jones, Michael Duane	Reed, Robert
Burket, Bradley Lester	Jueschke, Edward A.	Roop, Michael Eugene
Carner, Jr. Eugene	Keller, Donald Eugene	Taylor, Troy Richard
Clair, Dana Ray	Nash, Chadrick T.	Zulauf, Daniel Jacob
Fink, John Earl	Ott, Cory Edward	
Jeffers II, Rodney Lee	Parris, Kenneth Neal	

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

Barella, Daniel P., RW 78682 and JW 22205

A motion was made, seconded, and unanimously carried to accept the report and toll time for non-electrical work performed.

Blakey, Albert K. / Zap Electric, JW 12697, ME 5270, and EC 2821

A motion was made, seconded, and unanimously carried to accept the final report and lift probation.

Cope, Andrew George, APE 21655 canceled, JW pending

A motion was made, seconded, and unanimously carried to accept the report but toll time for one month for unemployed status.

Curry, James Earl, RW 67532

A motion was made, seconded, and unanimously carried to accept reports three through six and deny early release from probation.

Elliott, Edwin E., JW 100322

A motion was made, seconded, and unanimously carried to accept the final report and lift probation.

Hainline, David, JW 105313

A motion was made, seconded, and unanimously carried to accept the report.

Koldeway, Joseph, APE 33210

A motion was made, seconded, and unanimously carried to accept the final report and lift probation.

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Payne, Daniel S., JW 12875

A motion was made, seconded, and unanimously carried to deny the report for dates not listed correctly and require reports to be resubmitted.

Ramirez, Robert, JW 110153

A motion was made, seconded, and unanimously carried to deny and toll reports five through eight for late submittal and deny request for release from probation.

Small, Kirk W, JW 12764

A motion was made, seconded, and unanimously carried to accept the report but deny early release from probation.

Varenhorst, Christopher, APE 91166 and RW 78631

A motion was made, seconded, and unanimously carried to accept report but toll one month for no documentation.

**Business:**

Initial complaint review with response

**Case:**

2008-003143 George Donaldson, Candlelight Electric – ME 28003 / EC 4327

**Summary:**

The Board reviewed the complaint filed against George Donaldson, Candlelight Electric, by James Randall Kee, City of Longmont. This complaint alleged that Mr. Donaldson failed to obtain a permit for electrical wiring performed at the McAviney residences located at 1419 and 1421 Centennial in Longmont.

**Action:**

A motion was made, seconded, and unanimously carried to issue a citation with a fine in the amount of \$500 for two counts in violation of §12-23-116 C.R.S., for failure to obtain a permit and/or obtain an inspection.

**Business:**

Initial complaint review with response

**Case:**

2008-003142 Clifford Green, Complete Electric Inc. – ME 2509 / EC 1881

**Summary:**

The Board reviewed the complaint filed against Clifford Green, Complete Electric Inc. by Diane Lynch, City of Westminster. This complaint alleged that Mr. Green failed to arrange for supervision of his apprentices at the job site.

**Action:**

A motion was made, seconded, and unanimously carried to issue a citation to Complete Electric, Inc. for violation of §12-23-110.5(1), C.R.S., for failure to supervise an apprentice, with a fine of \$250; and a fine for \$250 for violation of §12-23-110.5(3)(a)(b), C.R.S., for failure of an electrical contractor to maintain a supervisory ratio of one licensed electrician to three apprentices.

**Second Action:**

A second motion was made, seconded, and unanimously carried to initiate a complaint against apprentice Mark V. O'Dorisio and issue a citation for violation of §12-23-110.5, C.R.S., for failure of an apprentice to work under the supervision of a licensed electrician, with a fine of \$25.

**Third Action:**

A third motion was made, seconded, and unanimously carried to initiate a complaint against journeyman Jamon Green and issue a citation for violation of §12-23-110.5(1), C.R.S., for failure to supervise an apprentice, with a fine of \$250.

**Fourth Action:**

A fourth motion was made, seconded, and unanimously carried to initiate a complaint against apprentice David L. Aldridge and issue a citation for violation of §12-23-110.5, C.R.S., for failure of an apprentice to work under the supervision of a licensed electrician, with a fine of \$25.

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**Business:** Initial complaint review with response  
**Case:** 2008-002906 James Thomas Lucero – APE 873031  
**Summary:** The Board reviewed the complaint filed against James Thomas Lucero by the Colorado State Electrical Board. This complaint cited Mr. Lucero for working as an electrician for Wagner Electric without the supervision of a licensed electrician.  
**Action:** A motion was made, seconded, and unanimously carried to issue a citation to James Thomas Lucero for a first and second offense in violation of § 12-23-110.5(1), C.R.S., working without supervision, with a fine of \$125.

**Business:** Initial complaint review with response  
**Case:** 2008-002870 Alfred Rick Madrigal II, Madrigal Handyman Service – RW 75620  
**Summary:** The Board reconsidered the complaint filed against Alfred Rick Madrigal II, Madrigal Handyman Service by Darla and Lewis Bowen after tabling this matter during the May 19, 2008 meeting for additional information. This complaint alleged that Mr. Madrigal advertised to perform electrical work without a license or contractor registration.  
**Action:** A motion was made, seconded, and unanimously carried to refer this matter for discipline.  
**Second Action:** Discussion took place in executive session leading to the unanimous decision in open session to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

**Business:** Initial complaint review – no response  
**Case:** 2008-003562 Manuel M. Montano, Montano Electric – ME 3621 / EC 2908  
**Summary:** The Board reviewed the complaint filed against Manuel M. Montano, Montano Electric by John Yelenick. This complaint alleged that Mr. Montano failed to correct code violations and failed to obtain a permit. Mr. Montano did not respond to these allegations.  
**Action:** A motion was made to issue a citation for violation of §12-23-116, C.R.S., for failure to obtain a permit and/or obtain an inspection, with a fine of \$250. The motion was seconded and unanimously carried.

**Business:** Initial complaint review with response  
**Case:** 2008-003210 Timothy John Nixon II – APE 981363  
**Summary:** The Board reviewed the Warning Notice filed against Timothy John Nixon II by Colorado State Electrical Inspector Roderick Roberts. This Warning Notice cited Mr. Nixon II (a registered electrical apprentice) for wiring a basement without a permit or inspection.  
**Action:** A motion was made, seconded, and unanimously carried to issue a citation for the following violations:  

1. §12-23-110.5, C.R.S., for failure of an apprentice to work under the supervision of a licensed electrician, with a fine of \$25.
2. §12-23-105, C.R.S., for performing electrical work beyond the authorization of the electrical license or registration, with a fine of \$250.
3. §12-23-116, C.R.S., for failure to obtain a permit and/or obtain an inspection, with a fine of \$250
4. §12-23-118(1)(p), C.R.S., for failure to comply with other state law (insurance and tax), with a fine of \$250.

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**Business:** Initial complaint review – no response  
**Case:** 2008-002904 Jasen Levi Perse – JW pending / APE 960228  
**Summary:** The Board reviewed the complaint filed against Jasen Levi Perse by the Colorado State Electrical Board. This complaint cited Mr. Perse for working as an electrician for Wagner Electric without the supervision of a licensed electrician.  
**Action:** A motion was made, seconded and unanimously carried to issue a citation to Jasen Levi Perse for violation of § 12-23-110.5(1), C.R.S., working without supervision, with a fine of \$25.

**Business:** Initial complaint review – no response  
**Case:** 2008-003561 Rob Ranberger, New Life Remodeling & Roofing – Unlicensed  
**Summary:** The Board reviewed the complaint filed against Rob Ranberger, New Life Remodeling & Roofing by Ann Woodruff. This complaint alleged that Mr. Ranberger failed to obtain a permit for the work he performed at the Woodruff residence located at 5520 Julian Street in Denver. Mr. Ranburger did not respond to this allegation.  
**Action:** A motion was made to issue a Cease and Desist order to Rob Ranberger. The motion was seconded and unanimously carried.

**Business:** Initial complaint review with response  
**Case:** 2008-002905 Neil Shirrell – APE 24878  
**Summary:** The Board reviewed the complaint filed against Neil Shirrell by the Colorado State Electrical Board. This complaint cited Mr. Shirrell for working as an electrician for Wagner Electric without the supervision of a licensed electrician.  
**Action:** A motion was made, seconded, and unanimously carried to issue a citation to Neil Shirrell for violation of § 12-23-110.5(1), C.R.S., working without supervision, with a fine of \$25.

**Business:** Initial complaint review with response  
**Case:** 2008-003563 Christopher S. Tinley – APE 991628  
**Summary:** The Board reviewed the complaint filed against Christopher S. Tinley by the Colorado State Electrical Board. This complaint cited Mr. Tinley for working as an electrician for Kennedy Electric without the supervision of a licensed electrician.  
**Action:** A motion was made, seconded, and unanimously carried to issue a citation to Christopher S. Tinley for violation of § 12-23-110.5(1), C.R.S., working without supervision, with a fine of \$25.

**Business:** Initial complaint review – no response  
**Case:** 2008-002458 Kevin R. Wise, 3-Way Electric, Inc. – ME 25995 / EC 5857  
**Summary:** The Board reviewed the complaint filed against Kevin R. Wise, 3-Way Electric, Inc. by Terry Schneider, Pikes Peak Regional Building Department. This complaint alleged that Mr. Wise failed to complete 13 outstanding county permits dated from June 2002 through January 2004. Mr. Wise did not respond to this allegation.  
**Action:** A motion was made, seconded, and unanimously carried to dismiss this complaint for lack of apparent license law violation.

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**Business:** Initial complaint review with response  
**Case:** 2008-000994 Leroy Witkop, Absolute Power – ME 25080 / EC 4499  
**Summary:** The Board reviewed the complaint filed against Leroy Witkop, Absolute Power by the Colorado State Electrical Board. This complaint alleged that Mr. Witkop is working under a lapsed license in violation of § 12-23-106 (4)(c), C.R.S.  
**Action:** A motion was made, seconded, and unanimously carried to refer this matter for discipline.  
**Second Action:** Discussion took place in executive session leading to the unanimous decision in open session to dismiss the complaint.

### **IX EXECUTIVE SESSION**

A motion was made for the Board to go into executive session pursuant to § 24-6-402(3)(a)(II) and (III), CRS, 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 1:30 PM to 2:25 PM. By unanimous agreement, the Board went out of executive session.

### **X OTHER BUSINESS**

**Business:** Review of Report of Investigation  
**Case:** 2007-003324 Nicholas S. Becker – JW 108847  
**Summary:** In executive session Investigator Les J. Roberts presented his report on case 2007-003324 involving respondent journeyman Nicholas S. Becker. This case was based on a warning notice issued by State Electrical Inspector Grant Hammett alleging that Mr. Becker was contracting and performing electrical installations without a master license or a contractor registration.  
**Action:** After discussion in executive session, a motion was made in open session to issue a Cease and Desist Order to Nicholas S. Becker and refer this matter for further disciplinary action. The motion was seconded and unanimously carried.  
**Second Action:** A second motion was made in open session to initiate a complaint against electrical contractor Inter-Valley Electric for loaning his master license.

**Business:** Review of Report of Investigation  
**Case:** 2007-003543 Jed Wilson – Barnes Electric – canceled registration  
**Summary:** In executive session, Investigator Les J. Roberts presented his report on case 2007-003543 involving respondent Jed Wilson of Barnes Electric. The complaint alleged that Mr. Wilson is practicing without a license.  
**Action:** After discussion in executive session, a motion was made in open session to dismiss this matter for lack of an apparent license law violation. The motion was seconded and unanimously carried.

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**Business:** Case review  
**Case:** 2007-002811 Galen G. Drennan – ME 4531  
**Summary:** The Board initiated case 2007-002811 against Galen G. Drennan alleging that Mr. Drennan was selling his electrical contractors registration. During the meeting held March 24, 2008, the Board voted to issue a letter of admonition and fine to Galen Drennan. To date, the fine is unpaid.  
**Action:** After discussion in executive session, a motion was made in open session to refer this matter for discipline. The motion was seconded and unanimously carried.

### **XI ELECTION OF BOARD OFFICERS**

Pursuant to its bylaws, at the July meeting each year, the Board is required to hold elections for Board officers.

A motion was made, seconded, and unanimously carried to appoint the following slate of officers:

Board Chair – Loren Priest,  
Board Vice-Chair – George Nightingale

### **XII ADJOURNMENT**

With all business completed, the meeting was adjourned at 2:30 PM. The next meeting is scheduled for Monday, August 25, 2008 at 9:30 AM. This meeting will be held via telephone conference.

*Approved by: Loren R. Priest, Chair*

*Date: August 25, 2008*

### **EXECUTIVE SESSION ATTESTATION July 28, 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: Loren R. Priest, Chair*

*Date: August 25, 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: August 25, 2008*