

## RECORD OF PROCEEDINGS

### MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD AT 1560 BROADWAY, SUITE 1550, DENVER, COLORADO ON MONDAY, September 24, 2007.

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

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

Acting Board Chair Jeffrey Pagnard called the meeting to order at 9:30 a.m.

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

Jeff Pagnard	Building Official, Acting Board Chair
Doug Tamminga	General Contractor, Acting Board Vice Chair
Jerry Coffee	Electrical Contractor
Loren Priest	Public Member
Clifford Rediger	Master Electrician
Terry Schneider	Master Electrician

#### **MEMBERS ABSENT:**

Richard Brinkley	Electrical Utility
Melissa Browning-Sletten	Electrical Utility
George Nightingale	Electrical Contractor

#### **OTHERS PRESENT:**

Charles H. Adams	Program Director
Angeline Kinnaid-Linn	Section Director
Stephen Conrad	Chief Inspector
Betty Wytias	Assistant Attorney General
John Roberts	Assistant Attorney General
Ofelia Duran	Office of Expedited Settlement
William Schlitter	Investigator, Office of Investigations
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 August 27, 2007 meeting as amended. The motion was seconded and unanimously carried.

#### **IV STAFF COMMENTS**

Program Director Charles H. Adams discussed several matters with the Board:

- The Board Member Training Session following the meeting today will cover conflicts of interest requirements, ethics, open meetings law and Robert's Rules of Order.
- Mr. Adams informed Members about the Colorado Springs Gazette article dated August 26, 2007 concerning the State Electrical Board.

## RECORD OF PROCEEDINGS

### IV STAFF COMMENTS (continued)

Section Director Angeline Kinnaird-Linn updated the Board regarding the annual Electrical Board fee setting. Ms. Kinnaird-Linn acknowledged that the State's annual fee publishing date has been hindering the local jurisdictions in setting their respective fee schedules. Ms. Kinnaird-Linn has been working to find a solution to this re-occurring situation.

Additional comments from Staff and Board Members were noted on the issue of annual fee setting:

- Member Jeff Pagnard stated that some local jurisdictions are not in compliance with the State with respect to fees.
- Member Cliff Rediger volunteered to solicit common interested parties to help sponsor a bill on this matter. He would appreciate support from DORA.
- Ms. Kinnaird-Linn stated that the legislative session in 2009 could be a target goal for this matter.

### V GENERAL SESSION

**Business:** Multi-State Reciprocity Agreement

**Summary:** The Board reviewed a letter of intent from the State of Texas to be considered for membership in the Multi-State Reciprocal Licensing Group. Multi-state agreements are valid for journeyman applicants only. The Board reviewed the supporting documents submitted by Texas for compliance with the established conditions for membership.

**Action:** A motion was made, seconded and unanimously carried to approve the request from Texas for admittance into the multi-state licensing group with the following conditions: 1) 8000 hours of electrical wiring experience shall be verified; and 2) the applicant shall submit verification that he/she passed the electrical licensing examination in their respective state.

### VI COMPLAINTS / DISCIPLINE

**Business:** Report of final agency actions - August 2007

**Summary:** Cease and Desist Order

- Donald Trejo, apprentice - for two cases

Citation Issued

- Randy G. Stubbs, apprentice

Finalized Letter of Admonition (LOA) - final after 20 days have lapsed, allowing the respondent to contest the action.

- Kevin Jay Grout, residential wireman

Stipulation

- Rodney Lee Jeffers II, apprentice
- Michael Joe Barnes, journeyman
- Kenneth N. Parris, journeyman

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

**Business:** Felony audit progress reports for August 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. Staff noted that files from the April 2007 audit have been received and that the initial review is underway.

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

## RECORD OF PROCEEDINGS

- Business:** Compliance with a Stipulation and Final Agency Order (FAO)  
**Case:** 2006-001134 Hanson Electric / Meldon Hanson - EC 4029 / ME 2599  
**Summary:** During the August 27, 2007 Board meeting, staff was asked to direct Mr. Hanson to provide separate quarterly reports for the Board's review. The Board considered the second, third, fourth, and fifth quarterly reports from Meldon Hanson in compliance with his Stipulation and FAO.  
**Action:** A motion was made to accept the second, third, fourth, and fifth quarterly reports Meldon Hanson provided. The motion was seconded and unanimously carried.
- Business:** Compliance with a Stipulation and Final Agency Order (FAO)  
**Case:** 2006-002127 Joseph Koldeway - APE 33210  
**Summary:** The Board reviewed the fifth quarterly report provided by Joseph Koldeway dated September 4, 2007, in compliance with his Stipulation and FAO.  
**Action:** A motion was made to accept the fifth quarterly report Mr. Koldeway provided. The motion was seconded and unanimously carried.
- Business:** Compliance with a Stipulation and Final Agency Order (FAO)  
**Case:** 2006-002739 John Earl Fink - ME 2920  
**Summary:** The Board reviewed the fourth quarterly report provided by John Earl Fink, received August 28, 2007, in compliance with his Stipulation and FAO.  
**Action:** A motion was made to accept the fourth quarterly report Mr. Fink provided. The motion was seconded and unanimously carried.
- Business:** Compliance with a Stipulation and Final Agency Order (FAO)  
**Case:** 2006-002854 Edward Allen Jueschke - ME 28404 / EC 6458  
**Summary:** The Board reviewed the third quarterly report provided by Edward Allen Jueschke, dated August 24, 2007, in compliance with his Stipulation and FAO.  
**Action:** A motion was made to accept the third quarterly report Mr. Jueschke provided. The motion was seconded and unanimously carried.
- Business:** Compliance with a Stipulation and Final Agency Order (FAO)  
**Case:** 2006-003502 Michael Eugene Roop - ME 4590 / JW 9494  
**Summary:** The Board reviewed the fifth quarterly report provided by Michael Eugene Roop, dated August 26, 2007, in compliance with his Stipulation and FAO.  
**Action:** A motion was made to accept the quarterly report Mr. Roop provided. The motion was seconded and unanimously carried.
- Business:** Compliance with a Stipulation and Final Agency Order (FAO)  
**Case:** 2006-002078 Andrew George Cope - APE 21655 / JW pending  
**Summary:** The Board reviewed the first quarterly report provided by Andrew George Cope, dated August 26, 2007, in compliance with his Stipulation and FAO.  
**Action:** A motion was made to accept the first quarterly report Mr. Cope provided and notify him that his time will be tolled during periods of unemployment. The motion was seconded and unanimously carried.

## RECORD OF PROCEEDINGS

**Business:** Complaint review  
**Case:** 2008-000172 Kevin Rutter, Dino Tech - Unlicensed  
**Summary:** The Board discussed the complaint against Kevin Rutter for allegedly violating a previously issued Cease and Desist Order. The Board reviewed the response Dino Tech provided on case 2008-000172, dated August 21, 2007.  
**Action:** A motion was made, seconded and unanimously carried to refer this matter to the Office of the Attorney General.  
**Second Action:** A second motion was made, seconded and unanimously carried to send a letter of inquiry to Dale E. Huesemann for allegedly acting as the master electrician for two companies. A further motion was made to amend the motion to initiate a formal complaint against Dale E. Huesemann and send a letter of inquiry to clarify his working relationship with Kevin Rutter.

**Business:** Initial complaint review with response  
**Case:** 2008-000299 Oleg Kademiya, Trademark Electrical Services, LLC  
ME 5139 / EC 6499  
**Summary:** The Board discussed complaint 2008-000299, submitted by Neil B. Starren of Blueprint Design and Construction, Inc. Mr. Starren alleges that Oleg Kademiya of Trademark Electrical Services, LLC provided sub-standard electrical work. The Board reviewed Mr. Kademiya's response dated August 21, 2007.  
**Action:** A motion was made, seconded and unanimously carried to dismiss this matter due to the lack of a license law violation.

**Business:** Initial complaint review with response  
**Case:** 2008-000443 Darren Hillius, All Wired Electrical - ME 27889 / EC 6389  
**Summary:** The Board discussed complaint 2008-000443 submitted against Darren Hillius, master electrician for All Wired Electric. Colorado State Inspector Ron Juul submitted this complaint alleging that Mr. Hillius loaned his license to Murphy Paving and Asphalt Contractors to perform electrical work at the Wal-Mart store in Lamar. In addition, Mr. Hillius allegedly hired employees that were not licensed in Colorado, failed to register and provide supervision to these employees, and did not obtain the required inspections. The Board reviewed Mr. Hillius' response dated August 28, 2007.  
**Action:** A motion was made, seconded and unanimously carried to refer this matter for discipline.  
**Second Action:** A second motion was made, seconded and unanimously carried to initiate a complaint against Murphy Paving and Asphalt Contractors for possible statutory violations.

**Business:** Initial complaint review with response  
**Case:** 2008-000444 Eddie E. Lake, Lake Electric - ME 3323 / EC 2634  
**Summary:** The Board discussed complaint 2008-000444, submitted by Larry and Shirley Beston. The Bestons allege that Eddie Lake, master electrician for Lake Electric failed to make corrections on work he performed. Mr. Lake responded to the Board in a letter dated August 23, 2007.  
**Action:** A motion was made, seconded and carried by majority vote to dismiss this matter.

## RECORD OF PROCEEDINGS

**Business:** Initial Decision Review  
**Case:** 2005-003629 Steven Essenburg - RW 1720  
**Summary:** The Board reviewed the Administrative Law Judge's Initial Decision in the matter of disciplinary action against residential wireman Steven Essenburg.  
**Action:** A motion was made, seconded and unanimously carried to approve items 1 through 22 under "Findings of Fact".  
A second motion was made, seconded and unanimously carried to approve items 1 through 10 under "Conclusions of Law".  
A final motion was made, seconded and unanimously carried to accept the "Initial Decision" to revoke Steven Essenburg's residential wireman license as authorized by §12-23-118.1, C.R.S. for a minimum of two years.

**Business:** Report of Investigation - Office of Investigations  
**Case:** 2008-000235 Salvador Hernandez, Absolute Power - Unlicensed  
**Summary:** Investigator William Schlitter presented, in executive session, his report on case 2008-000235 involving respondent Salvador Hernandez. On July 27, 2007, the State Electrical Board received an anonymous complaint stating that Salvador Hernandez of Absolute Power performed electrical wiring without a license and paid a fee to a licensed master electrician to obtain the required permits.  
**Action:** It was the unanimous decision of the Board to issue a Cease and Desist Order against Salvador Hernandez.  
**Second Action:** Additionally, it was the unanimous decision of the Board to open complaints against: 1) Leroy Witkop for working under a lapsed license and 2) Jesse Crookston, master electrician of Adventure Electric for possible loaning of his license.

**Business:** The Office of the Attorney General - case update  
**Case:** 3999000330, 3999000340 and 2006-001993 Daniel Cathey, Power Pro Electric  
**Summary:** In a confidential memorandum dated September 11, 2007 Assistant Attorney General Betty Wytias updated the Board in executive session on the status of cases filed against Daniel Cathey, master electrician for Power Pro Electric.  
**Action:** A motion was made, seconded and unanimously carried to approve the Stipulation and Final Agency Order for Daniel Cathey.

**Business:** The Office of the Attorney General  
**Case:** 3920000250 David Berndt  
**Summary:** In executive session, Assistant Attorney General Betty Wytias updated the Board on case 3920000250 against David Berndt. Ms. Wytias noted that Lake Star Electric failed to notify the Board when Mr. Berndt terminated his apprentice registration in violation of 12-23-110.5(3)(a), C.R.S.  
**Action:** A motion was made, seconded and unanimously carried to send Lake Star Electrical a position letter from the Board regarding proper registration and termination procedures.

## RECORD OF PROCEEDINGS

**Business:** The Office of the Attorney General - update  
**Registrant:** Charles Ellermeyer, APE 971465  
**Summary:** During last month's meeting Case 2004-002407 against Mr. Ellermeyer was dismissed without prejudice. In executive session, Assistant Attorney General Betty Wytias updated the Board concerning unpaid citation fines issued to Charles Ellermeyer under case 2004-002407. Ms. Wytias noted that during the time that Mr. Ellermeyer was an active apprentice he failed to pay Board issued fines.  
**Action:** A motion was made, seconded and unanimously carried to open a new case and refer this matter for discipline.

### **VII EXECUTIVE SESSION**

Mr. Pagnard 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 Mr. Priest and unanimously carried.

Attorney-client items were considered in executive session from 11:14 a.m. to 12:15 p.m. By unanimous agreement, the Board moved to go out of Executive Session.

### **VIII OTHER BUSINESS**

With all business completed, the meeting was adjourned at 12:20 p.m. The next meeting is scheduled for Monday, October 22, 2007 at 9:30 a.m.

Approved this 22nd day of October, 2007

  
\_\_\_\_\_  
Jeffrey L. Pagnard, Acting Chair

# RECORD OF PROCEEDINGS

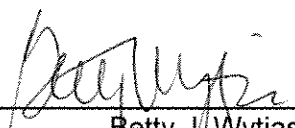
## EXECUTIVE SESSION ATTESTATION September 24, 2007

The portion of the executive session that was not recorded was confined to a discussion of the topic identified in the motion authorizing the Colorado State Electrical Board to convene in executive session.

APPROVED THIS 22nd DAY OF October, 2007.

  
\_\_\_\_\_  
Acting Chair, Jeffrey L. Pagnard

A portion of this executive session was not recorded because the discussion constituted a privileged attorney-client or work product communication.

  
\_\_\_\_\_  
Betty J. Wytias  
Assistant Attorney General