

RECORD OF PROCEEDINGS

MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD AT 1560 BROADWAY, SUITE 1380, DENVER, COLORADO ON MONDAY, September 22, 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 Loren Priest called the meeting to order at 9:32 AM.

II RECOGNITION OF MEMBERS PRESENT:

Loren Priest	Public Member, Board Chair
George Nightingale	Electrical Contractor, Board Vice-Chair
Jose Amaya	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
Kennetha Julien	Office of Expedited Settlement
Betty Wytias	Assistant Attorney General
Jason Loughman	Assistant Attorney General
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 August 25, 2008 meeting. The motion was seconded and unanimously carried.

IV STAFF COMMENTS

Program Director, Charles H. Adams, introduced Jason Loughman as the new Assistant Attorney General assigned to the Electrical and Plumbing Boards.

Chief Inspector Steve Conrad announced that Robert Brant was hired as the new electrical inspector for Park County. John Magee was hired as the new plumbing inspector for Lincoln, Kit Carson, Morgan and Logan Counties.

Legislation was passed during the 2008 session requiring DORA to charge a 15% surcharge on fines. All surcharge receipts will be deposited into a fund and will be used to conduct outreach targeted to licensees. The outreach will specifically address common violations of statutes and Board rules.

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IV STAFF COMMENTS (continued)

Assistant Attorney General, Betty Wytias announced that this would be her last Electrical Board meeting. She will remain an Assistant Attorney General in another capacity. Ms. Wytias stated that it was a pleasure working with all members and staff. The Board members wished her all the best in her future endeavors.

V GENERAL SESSION

Business: Resolution to assume local responsibility for inspections in the Town of Fraser
Summary: Town Manager, Jeff Durbin submitted a letter to the State Electrical Board to assume local responsibility for electrical permits and inspections for the Town of Fraser and withdraw from the state program effective July 1, 2009.
Action: A motion was made, seconded, and unanimously carried to approve the Town of Fraser to withdrawal from the state program and to assume local responsibility effective July 1, 2009 with the following provisions and findings of fact.
Provisions:
1. Electrical contractors and qualified homeowners shall apply for state permits and request state inspections in accordance with all applicable statutes and rules through June 30, 2009.
2. Inspectors working for the local jurisdiction shall meet the minimum inspector qualifications outlined in §12-23-115, C.R.S. and shall be registered with the Board prior to assumption of their duties.
Findings of Fact:
1. The request was submitted in a timely manner on August 21, 2008.

Business: Resolution to assume local responsibility for inspections in the Town of Granby
Summary: Town Manager Don W. Baird submitted a letter to the State Electrical Board to assume local responsibility for electrical permits and inspections for the Town of Granby and withdraw from the state program effective July 1, 2009.
Action: A motion was made, seconded, and unanimously carried to approve the Town of Granby to withdrawal from the state program and to assume local responsibility effective July 1, 2009 with the following provisions and findings of fact.
Provisions:
1. Electrical contractors and qualified homeowners shall apply for state permits and request state inspections in accordance with all applicable statutes and rules through June 30, 2009.
2. Inspectors working for the local jurisdiction shall meet the minimum inspector qualifications outlined in §12-23-115, C.R.S. and shall be registered with the Board prior to assumption of their duties.
Findings of Fact:
1. The request was submitted in a timely manner on September 4, 2008.

Business: Resolution to assume local responsibility for inspections in the Town of Winter Park
Summary: Town Manager David Torgler submitted a letter to the State Electrical Board to assume local responsibility for electrical permits and inspections for the Town of Winter Park and withdraw from the state program effective July 1, 2009.
Action: A motion was made, seconded, and unanimously carried to approve the Town of Winter Park to withdrawal from the state program and to assume local responsibility effective July 1, 2009 with the following provisions and finding of fact:

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Provisions:

1. Electrical contractors and qualified homeowners shall apply for state permits and request state inspections in accordance with all applicable statutes and rules through June 30, 2009.
2. Inspectors working for the local jurisdiction shall meet the minimum inspector qualifications outlined in §12-23-115, C.R.S. and shall be registered with the Board prior to assumption of their duties.

Findings of Fact:

1. The request was submitted in a timely manner on August 14, 2008.

Business: Summary:

Adams City High School and Community Learning Center – variance request
The Board considered a variance request submitted by Rob Biesk of H+L Architecture. This request is for the reclassification of the woodworking classroom at the Adams City High School and Community Learning Center located at 7200 Quebec Parkway in Commerce City, Colorado.

In accordance with Colorado Revised Statute §12-23-104(2)(g), the Board is authorized to: "Review and approve or 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."

Action:

A motion was made to grant a variance from the National Electrical Code to the Adams City High School and Community Learning Center as submitted by Rob Biesk to reclassify the woodworking classroom from a Class II, Division I requirement to a standard classification with the following provisions and findings of fact:

Provision:

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

Findings of fact:

1. The school district requires the woodshop instructor 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.

It is the opinion of the Board that the granting of this variance does not compromise public safety. The motion was seconded and unanimous carried.

VI APPLICATION REVIEW

Business: Summary:

Anthony Wayne Gaupel – journeyman examination – application review
Mr. Gaupel submitted his application and request to take the journeyman examination for the reinstatement of his lapsed license (February 28, 1995). At the July 28, 2008 meeting the Board tabled action on Mr. Gaupel's request until his application was submitted.

Action:

A motion was made to refer this matter for discipline. The motion was seconded and unanimously carried.

After discussion in executive session, a motion was made in open session to approve Mr. Gaupel for the journeyman examination with conditions. The motion was seconded and unanimously carried.

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VII COMPLAINTS / DISCIPLINE

Business: Report of final actions – July 1, 2008 through August 31, 2008

Summary: Cease and Desist Orders

- Rob Ranberger, unlicensed

Citations Issued

- James Thomas Lucero, apprentice
- Mark V. O'Dorisio, apprentice
- Neil M. Shirrell, apprentice
- Complete Electric Inc., electrical contractor
- James Selecky, master

Stipulations

- Sean Fitzgerald, apprentice
- Richard Ray Herrin, apprentice
- James William Burg, journeyman
- Javier Garcia, journeyman
- Guadalupe Mora Gonzales, journeyman
- Michael Eugene Neuschwanger, journeyman
- Robert John Streeks, journeyman
- Marke E. Bogle, master

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

Business: Felony audit progress report for June and July 2008

Summary: The Board reviewed the progress reports for the felony audit of October 2005, April 2006, April 2007, and October 2007.

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 September 8, 2008.

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

Anaya, Gustavo A.	Fink, John E.	Pompa, David C.
Armer, Seth Ryan F.	Jones, Michael Duane	Semanik, Norman J.
Burkett, Bradley L.	Lyden, Joseph T.	Simmons, Rance G.
Carner Jr., Eugene F.	Margheim, Terry Lee	Varenhorst, Christopher
DelMuro, Daniel Allen	Mascarenas, Jason N.	Young, Roland L.
Denke Jr., Melvin B.	Oxford, John N.	

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

Almanzar, Bryan D. – RW #78643

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

Baker, Cleytus Joe – JW #108082

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

A second motion was made, seconded, and unanimously carried to initiate a complaint against Certified Electric for contracting without an electrical contractor registration.

Banks Jr., Steven E. – ME #29270

A motion was made, seconded, and unanimously carried to deny the report for incorrectly listed dates and missing signatures of the parole officer.

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Cobo, Phillip Vincent – APE #990633

A motion was made, seconded, and unanimously carried to accept the final report and lift the probation on Mr. Cobo's apprentice registration.

Daly, Edward Ryan – JW #110859

A motion was made, seconded, and unanimously carried to deny the report for incorrectly listed dates and late submittal of the report.

Hall, Christopher Alan – APE #36043 and RW #78737

A motion was made, seconded, and unanimously carried to accept the report but toll his time for one month for dates not reported in May.

Hanson Electric – EC #4029

A motion was made, seconded, and unanimously carried to accept the final report and lift the probation on Hanson Electric's electrical contractor registration.

Hardin Jr., Daniel N. – APE #950426 and RW pending

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

Hodgson, Patrick T. – JW #7679

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

Lowery, Tony F. – JW #12720

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

Medina, Gregory B. – JW #110707

A motion was made, seconded, and unanimously carried to deny reports one through four, toll time, and require an explanation for submitting the reports late.

Miller, Benjamin M. – JW #108463

A motion was made, seconded, and unanimously carried to accept the final report and lift the probation on Mr. Miller's Journeyman's license.

Miller, Colby Morgan – JW #12061

A motion was made, seconded, and unanimously carried to refer this matter for discipline for non-compliance with a Stipulation and Final Agency Order. No reports have been received.

Newell, William Ervin – JW #10000

A motion was made, seconded, and unanimously carried to deny reports one through four and toll time for late submittal.

Payne, Daniel S. – JW #12875

A motion was made, seconded, and unanimously carried to accept reports two and three.

Reed, Robert – APE # 941416

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

Rubeck, Jeffrey A. – JW # 110663

A motion was made, seconded, and unanimously carried to accept reports three and four.

Sack, Justin Paul – APE # 30290 and RW and JW pending

A motion was made, seconded, and unanimously carried to conditionally approve the first report pending Mr. Sack's signature and toll time for late submittal.

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Taylor, Troy R. – JW pending

A motion was made to accept Mr. Taylor's second report. The motion was seconded and failed.

A second motion was made, seconded, and unanimously carried to deny Mr. Taylor's report for clarification of electrical vs. non-electrical work.

A third motion was made to initiate a complaint against Sturgeon Electric for failure to register an apprentice. The motion was seconded and unanimously carried.

Zdrojewski, Jay E. – APE # 961267 and RW pending

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

Business:

Initial complaint review with response

Case:

2009-000019 Kevan Baker, 5 State Security and Electrical, LLC – ME #29610

Summary:

The Board reviewed the complaint filed against Kevan Baker, 5 State Security and Electrical, LLC by Arnold O. Porter. This complaint alleged that Kevan Baker's employees, Wess Wellerat and Brian Scadden, performed electrical work without supervision. Board member Schneider recused himself and left the room during the discussion and vote on this item.

Action:

A motion was made, seconded, and unanimously carried to dismiss the complaint against Kevan Baker. Mr. Baker as he was not the responsible master for 5 State Security and Electrical, LLC during the time of the incident.

A second motion was made, seconded, and carried to issue a Cease and Desist Order to Wess Wellerat.

A third motion was made, seconded, and carried to issue a Cease and Desist Order to Brian Scadden.

A fourth motion was made, seconded, and carried to initiate a complaint against 5 State Security and Electrical, LLC for contracting without a master electrician in responsible charge of the company's electrical work.

Business:

Initial complaint review with response

Case:

2009-000486 John D. Doherty, Piper Electric – ME #3070 and EC #1964

Summary:

The Board reviewed the complaint filed against John D. Doherty, Piper Electric by Patrick Buckley. This complaint alleged that Mr. Doherty installed electrical conduit at 4150 E 60th Avenue without a permit. Board Member Berg recused himself and left the room during discussion and vote on this item.

Action:

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

After discussion in executive session, a motion was made, seconded and carried in open session to dismiss the complaint. The Board found that there was no reasonable cause to warrant further action at this time.

Business:

Initial complaint review with response

Case:

2009-000131 Jonathan D. Hawkins – APE #38149

Summary:

The Board reviewed the complaint filed against Jonathan D. Hawkins by Joseph Baron, Pikes Peak Regional Building Department. This complaint alleged that Mr. Hawkins performed electrical work at 10743 Torreys Peak Way without supervision.

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- Action:** A motion was made, seconded, and unanimously carried to refer this matter for discipline.
- After discussion in executive session, a motion was made, seconded and unanimously carried in open session to issue a \$25 fine to Jonathan D. Hawkins for violation of §12-23-110.5(1), C.R.S., failure of an apprentice to work under the supervision of a licensed electrician.
- Business:** Initial complaint review with response
Case: 2009-000132 Enrique Magallanes – APE #28552
Summary: The Board reviewed the complaint filed against Enrique Magallanes by Joseph Baron, Pikes Peak Regional Building Department. This complaint alleged that Mr. Magallanes performed electrical work at 10743 Torreys Peak Way without supervision.
- Action:** A motion was made, seconded, and unanimously carried to refer this matter for discipline.
- After discussion in executive session, a motion was made, seconded and unanimously carried in open session to issue a \$25 fine to Enrique Magallanes for violation of §12-23-110.5(1), failure of an apprentice to work under the supervision of a licensed electrician.
- Business:** Initial complaint review with response
Case: 2009-000133 Santiago C. Paura – APE #28557, canceled
Summary: The Board reviewed the complaint filed against Santiago C. Paura by Joseph Baron, Pikes Peak Regional Building Department. This complaint alleged that Mr. Paura performed electrical work at 10743 Torreys Peak Way without a license.
- Action:** A motion was made, seconded, and unanimously carried to refer this matter for discipline.
- After discussion in executive session, a motion was made in open session to issue a Cease and Desist Order to Santiago C. Paura. The motion was seconded and unanimously carried.
- Business:** Initial complaint review with response
Case: 2009-000107 Paul B. Roy, T-N-T Electric – ME #25236 and EC #6732
Summary: The Board reviewed the complaint filed against Paul B. Roy, T-N-T Electric by Joseph Baron, Pikes Peak Regional Building Department. This complaint alleged that Paul B. Roy, T-N-T Electric allowed unlicensed employees to perform electrical work without supervision.
- Action:** A motion was made, seconded, and unanimously carried to refer this matter for discipline.
- After discussion in executive session, a motion was made in open session to fine Paul B. Roy a total of \$750 for three counts, failure to supervise unlicensed employees in violation of §12-23-110.5, C.R.S. The motion was seconded and unanimously carried.
- A motion was made, seconded, and unanimously carried to initiate a complaint against T-N-T Electric with the following fines: \$300 for 2 counts in violation of §12-23-110.5(3), C.R.S., failure to register apprentices; \$200 for violation of §12-23-118(1)(k), C.R.S., employment by an electrical contractor of unlicensed persons doing electrical work; and \$250 for violation of §12-23-110.5(1), C.R.S., failure of an electrical contractor to maintain supervisory ratio.

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Business: Initial complaint review with response
Case: 2009-000044 Kennedy Electric – ME #29317 and EC #6476
Summary: The Board reviewed the complaint filed against Kennedy Electric by Diane Lynch, City of Westminster. This complaint alleged that Kennedy Electric failed to supervise apprentices at the job site and register one apprentice working at the job site.
Action: A motion was made, seconded, and unanimously carried to refer this matter for discipline.

After discussion in executive session, the following motions were made, seconded, and unanimously carried in open session:

Issue Kennedy Electric a \$150 fine for violation of §12-23-110.5(3), C.R.S., failure of an electrical contractor to register apprentice Josef Lopez; and \$250 fine for violation of §12-23-110.5, C.R.S., failure of an electrical contractor to maintain a supervisor ratio.

Initiate a complaint against journeyman Steve Gilbert for violation of §12-23-110.5(1), C.R.S., failure to supervise apprentices.

Initiate a complaint against apprentice Jared Lopez for violation of §12-23-110.5(1), C.R.S., failure of an apprentice to work under the supervision of a licensed electrician.

Initiate a complaint against apprentice Fernando Villa for violation of §12-23-110.5(1), C.R.S., failure of an apprentice to work under the supervision of a licensed electrician.

Initiate a complaint against apprentice Nicholas House for violation of §12-23-110.5(1), C.R.S., failure of an apprentice to work under the supervision of a licensed electrician.

Issue a Cease and Desist Order to Josef Lopez for performing electrical work without the proper registration or licensure.

Business: Initial complaint review with response
Case: 2008-003875 Roland Medrano, Red Rock Electric – ME #5477 and EC 7593
Summary: The Board reviewed the complaint filed against Roland Medrano, Red Rock Electric by the Board. This complaint alleged that Mr. Medrano was advertising to perform electrical work as an electrical contractor prior to acquiring a master electrician's license and an electrical contractor registration.
Action: A motion was made, seconded, and unanimously carried to refer this matter for discipline.

After discussion in executive session, a motion was made, seconded, and unanimously carried in open session to issue a Letter of Admonition to Roland Medrano for violation of §12-23-107, C.R.S., unauthorized advertising as an electrical contractor; and a \$250 fine for violation of §12-23-118(1)(p), C.R.S., for failure to comply with state or federal law governing taxes.

Business: Initial complaint review with response
Case: 2009-000093 Kevin Murphy, 1 Hour Handyman – Unlicensed
Summary: The Board reviewed the complaint filed against Kevin Murphy, 1 Hour Handyman by Cameron Leathurby. This complaint alleged that Mr. Murphy advertised to install electrical wiring without a license.

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- Action:** A motion was made, seconded, and unanimously carried to issue a Cease and Desist Order to Kevin Murphy.
- Business:** Initial complaint review with response
Case: 2009-000034 City of Northglenn – Unlicensed / no registration
Summary: The Board reviewed the complaint filed against the City of Northglenn by Henry Vera. This complaint alleged that the City of Northglenn allowed unlicensed employees to install electrical wiring at a police station.
- Action:** A motion was made, seconded, and unanimously carried to issue a Cease and Desist Order to the City of Northglenn.
- Business:** Initial complaint review with response
Case: 2009-000443 Christopher Romero, Customized Electrical – ME # 2916 and EC #5696
Summary: The Board reviewed the complaint filed against Christopher Romero, Customized Electrical by Skye Houseman, Crested Butte Electrical, Inc. This complaint alleged that Christopher Romero obtained permits through Customized Electrical and used independent contractors who were not registered electrical contractors to perform electrical work.
- Action:** A motion was made, seconded, and unanimously carried to table for additional information from Christopher Romero regarding sub-contractors that were used and contracts that were initiated through Customized Electrical.
- Business:** Initial complaint review with response
Case: 2009-000110 Kelly R. Thom, Denver Electrical Contractors – ME #26593
Summary: The Board reviewed the complaint filed against Kelly R. Thom, Denver Electrical Contractors by Kenneth Stockton, Commerce City Building Department. This complaint alleged that Mr. Thom failed to obtain a permit prior to commencing work at 6101 Dexter Street in Commerce City.
- Action:** A motion was made, seconded, and unanimously carried to refer this matter for discipline.
- After discussion in executive session, a motion was made, seconded and unanimously carried in open session to dismiss this case. The Board found that there was no reasonable cause to warrant further action at this time.
- Business:** Initial Decision Review
Case: 2007-000284, EL 2008-0003 – JW #7477
Summary: The Board reviewed the Administrative Law Judge's Initial Decision in the matter of disciplinary action against Mark R. Crandell.
- Action:** A motion was made, seconded, and unanimously carried to approve items 1 through 6 under "Findings of Fact".
A motion was made, seconded, and unanimously carried to approve items 1 through 4 under "Conclusions of Law".
A motion was made, seconded, and unanimously carried to accept the "Initial Decision".
A final motion was made to accept the Final Agency Order. The motion was seconded and unanimously carried.
- Business:** Initial Decision Review
Case: 2007-000852, 2008-002231, EL 2008-0004
Summary: The Board reviewed the Administrative Law Judge's Initial Decision in the matter of disciplinary action against Charles Ellermeyer.
- Action:** A motion was made, seconded, and unanimously carried to approve items 1 through 14 under "Findings of Fact".

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A motion was made, seconded, and unanimously carried to approve items 1 through 3 under "Conclusions of Law".

A motion was made, seconded, and unanimously carried to accept the "Initial Decision".

A final motion was made to accept the Final Agency Order. The motion was seconded and unanimously carried.

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), 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 12:49 PM to 2:10 PM. By unanimous agreement, the Board went out of executive session.

IX ADJOURNMENT

With all business completed, the meeting was adjourned at 2:32 PM. The next meeting is scheduled for Monday, October 27, 2008 at 9:30 AM via telephone conference.

Approved by: Loren Priest, Chair

Date: October 27, 2008

EXECUTIVE SESSION ATTESTATION September 22, 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 Priest, Chair

Date: October 27, 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: Jason Loughman, Assistant Attorney General

Date: October 27, 2008