

RECORD OF PROCEEDINGS

MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD AT 1560 BROADWAY, STE 110-D, DENVER, COLORADO ON Monday, January 25, 2010

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

I MEETING – CALL TO ORDER

Board President Loren Priest called the meeting to order at 9:00 a.m.

II RECOGNITION OF MEMBERS PRESENT

Loren R. Priest	Public Member, President
Jose A. Amaya	General Contractor
Scott W. Berg	Building Official
Rory Berumen	Journeyman Electrician
Melissa Browning-Sletten	Electrical Utility
Jerry L. Coffee	Electrical Contractor
Robin L. Kittel	Electrical Utility
Terry L. Schneider	Master Electrician

MEMBERS ABSENT

George A. Nightingale	Electrical Contractor, Vice-President
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OTHERS PRESENT

Mark Browne	Program Director
Angeline Kinnaird Linn	Section Director
Stephen Conrad	Chief Inspector
Dennis Rhodes	Office of Expedited Settlement
John J. Roberts	Assistant Attorney General
Les Roberts	Investigator, Office of Investigations
William Schlitter	Investigator, Office of Investigations
Joyce J. Young	Enforcement Unit Supervisor
Marian Zabel	Administrative Assistant

III PREVIOUS BOARD MEETING MINUTES

It was the decision of the Board to approve the minutes of the December 14, 2009, meeting.

IV REPORTS FOR RATIFICATION

A. Review of Report of Final Agency Actions – November 16, 2009 to January 12, 2010

Citations Issued

1. Rick L. Ellis, ME

Finalized Letters of Admonition (LOA)

1. Sure-Shock Electric, Inc., EC

Stipulations

- | | |
|---------------------------|-----------------------------|
| 1. Thomas M. Ahrens, JW | 7. Jerry D. Johnson, RW |
| 2. Shane Bennett, APE | 8. Alan M. Lautrup, JW |
| 3. Daniel G. Hill, JW | 9. Johnny Medina, JR., APE |
| 4. Anthony W. Huff, APE | 10. Oscar Ocampo, APE |
| 5. Robert B. Hundley, APE | 11. Joe Moore, JW |
| 6. Terry W. Jewsbury, APE | 12. Rych Electric, Inc., EC |

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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 October 2007, October 2008, and October 2009. It was the decision of the Board to ratify the reports.

V STAFF COMMENTS

Program Director, Mark Browne, introduced Paul Lamprill as the Continuing Competency Technician for the Electrical Board. Staff is drafting a rule for the 288 hour education requirement for journeyman licensing. The completed draft will be provided at a future meeting.

Section Director, Angeline Kinnaird Linn, discussed the Sunset Hearing process for the Electrical Board. Ms. Kinnaird Linn attended the first of several hearings held mid-January. It is expected that a bill will be drafted with future hearings scheduled.

Board members discussed the interest shown by some local authorities regarding local school inspections.

Board members discussed interest shown by some local jurisdictions regarding the verification of licensure and registration of individuals engaged in the installation of electrical wiring during the inspection process.

VI ANNUAL DESIGNATION OF THE 2009 BOARD MEETING NOTICES

Business: 2010 Designation for the location of Board Meeting Notices

Summary: The 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 DRAFT OF PROPOSED RULE 5.2 BASED ON HB09-1136

Business: Initial Draft Review

Summary: The Board reviewed a first draft of the proposed rule 5.2, based on HB09-1136 concerning continuing competency.

Action: No action was taken.

VIII EXECUTIVE SESSION

At 9:50 a.m., Board President, Loren Priest, moved that the Board enter into executive session for the purpose of discussing disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, or receiving legal advice on specific legal questions, pursuant to Colorado Revised Statutes section 24-6-402(3)(a)(II), including discussion with legal counsel regarding the legal concerns for Board members.

The motion was seconded by Jerry Coffee and unanimously carried with seven members in attendance, seven voting. At least two-thirds of the entire membership of the Board voted in favor of the motion.

The Board returned to open session at 10:15 a.m.

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IX REVIEW OF BOARD BUSINESS

A. Complaints Review

Subject: James H. Hodges, Unlicensed, JW pending
Case No.: 2009-004327
Summary: The Board reviewed the tabled complaint filed against Mr. Hodges by the Board and Mr. Hodges' response to the complaint. This complaint alleged that Mr. Hodges is offering electrical contracting services on Craigslist without the proper registration.
Action: It was the decision of the Board to issue a Cease and Desist Order to James H. Hodges for offering to perform electrical work without the proper registration.

Subject: Travis E. Marque, JW #104913
Case No.: 2010-000368
Summary: The Board reviewed the tabled complaint filed against Mr. Marque by Robert Myers and the response to the complaint received from Sarah Marque on behalf of Marque Solutions. Richard's Electric failed to respond to the Board as requested. This complaint alleged that Mr. Marque is performing electrical installations without the proper registration.
Action: It was the decision of the Board to table this matter pending additional information from Richard's Electric.

It was the decision of the Board to initiate a complaint against Richard's Electric for failure to cooperate with a Board Investigation.

Subject: David C. Adkins, Unregistered, ME pending
Case No.: 2009-004307
Summary: The Board reviewed the complaint filed against Mr. Atkins by the Board and Mr. Adkins' response to the complaint. This complaint alleged that Mr. Adkins advertised electrical contracting services on Craigslist without the proper registration.
Action: It was the decision of the Board to issue a Cease and Desist Order to David C. Adkins for advertising to perform electrical work without the proper registration.

Subject: Mark E. Gabbert, ME #26059
Case No.: 2010-001904
Summary: The Board reviewed the complaint filed against Mr. Gabbert by Dan Bollig, Chaffee County Electrical Inspector, and Mr. Gabbert's response to the complaint. This complaint alleged that Mr. Gabbert failed to properly supervise his employee and the work on the project at issue.
Action: It was the consensus of the Board to refer to executive session for possible discipline.

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

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Based on the information reviewed, it was the decision of the Board to initiate a complaint against Doug Woods and issue a Cease and Desist order for unlicensed practice.

Subject: Robert J. Haven, APE #30096
Case No.: 2010-001118
Summary: The Board reviewed the complaint filed against Mr. Haven by the Board, and Mr. Haven's response to the complaint. This complaint alleged that Mr. Haven violated the terms of the October 28, 2008, Stipulation and Final Agency Order he signed with the Board by failing to restrict his working as an apprentice in new or commercial construction.
Action: It was the decision of the Board to refer to executive session for possible discipline.

Subject: John W. Lindsay, JW #111025
Case No.: 2010-001227
Summary: The Board reviewed the complaint filed against Mr. Lindsay by the Board and Mr. Lindsay's response to the complaint. This complaint alleged that Mr. Lindsay violated the terms of the March 23, 2008, Stipulation and Final Agency Order he signed with the Board pertaining to his new felony convictions.
Action: It was the decision of the Board to dismiss the case as being without merit.

Subject: William J. McLaughlin, JW #103788
Case No.: 2009-004326
Summary: The Board reviewed the complaint filed against Mr. McLaughlin by the Board and Mr. McLaughlin's response to the complaint. In addition, Marc Prinz, master electrician for Titus Electric Inc., EC #5972, responded on behalf of Mr. McLaughlin. This complaint alleged that Mr. McLaughlin is advertising on Craigslist to perform electrical work without the proper licensure or registration.
Action: It was the decision of the Board to dismiss the case as being without merit.

Subject: Ross N. Munro, JW #101996
Case No.: 2010-000717
Summary: The Board reviewed the complaint filed against Mr. Munro by Greg E. Warden and information regarding Mr. Munro's response to the complaint. This complaint alleged that Mr. Munro was offering electrical contracting services without the proper registration.
Action: It was the decision of the Board to refer to executive session for possible discipline.

Subject: Michael A. Nelson, ME #29467
Case No.: 2010-001881
Summary: The Board reviewed the complaint filed against Mr. Nelson by the Board and Mr. Nelson's response to the complaint. The complaint alleged that Mr. Nelson failed to supervise electrical work performed on the project at issue.
Action: It was the decision of the Board to issue a Letter of Admonition to Michael A. Nelson for the above allegation.

Based on the information reviewed, it was the decision of the Board to initiate a complaint against Randy Burt for offering electrical contracting work without the proper licensure or registration.

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Subject: Patrick Trujillo, JW #104137
Case No.: 2010-001702
Summary: The Board reviewed the complaint filed against Mr. Trujillo by the Board and Mr. Trujillo's response to the complaint. This complaint alleged that Mr. Trujillo was offering electrical contracting services on Craigslist and using Yanni Electrical to obtain electrical permits.
Action: It was the decision of the Board to refer to executive session for possible discipline.

Subject: Yanni Electric LLC, EC #6671
Case No.: 2010-001701
Summary: The Board reviewed the complaint filed against Yanni Electric by the Board and information regarding the company's response to the complaint. This complaint alleged that Yanni Electric, LLC, loaned their electrical contractor registration to Done Right Electric to obtain electrical permits.
Action: It was the decision of the Board to refer for discipline.

X COMPLIANCE MONITORING

A. Compliance with Board Order

Subject: Bruce E. Gray, RW #76073
Case No.: 2009-000485
Summary: The Board reviewed Mr. Gray's request for approval of an eight hour on-line electrical course to meet the requirements of paragraph 14 of the June 4, 2009, Stipulation and Final Agency Order he signed with the Board.
Action: It was the decision of the Board to approve the requested course.

Subject: Kirk W. Small, JW #12764
Case No.: 2007-002117
Summary: The Board reviewed Mr. Small's request to have his Board probation lifted and his court documentation showing completion of the requirements to the March 26, 2007, Stipulation and Final Agency Order he signed with the Board.
Action: It was the decision of the Board to lift the probation on Kirk W. Small's license.

B. Compliance Monitoring

Summary: The Board reviewed the consent agenda for the quarterly reports submitted through January 5, 2010.
Action: It was the decision of the Board to approve the following quarterly reports:

Marke E. Bogel, ME	Robert J. Haven, APE
Bradley L. Burket, JW	Richard R. Herrin, APE
Eugene F. Carner, JW	Edward A. Jueschke, ME
Ricky O. Dominguez, JW	Kenneth N. Parris, JW
Galen G. Drennan II, ME	James E. Quilter, Jr, Pending RW
John P. Engelbrecht, JW	Justin P. Sack, APE
John E. Fink, ME	Durrell L. Smith, JW
Javier Garcia, JW	Christopher S. Varenhorst, APE/RW
Christopher W. George, APE	

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

Subject: Cleytus J. Baker, JW # 108082

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

Subject: Matthew M. Gosch, JW #111477

Action: It was the decision of the Board to accept the report and lift the probation on Matthew M. Gosch's affected license.

Subject: Robert J. Haven, APE #30096

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

Subject: Rodney L. Jeffers, II, APE #36725

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

Subject: Michael D. Minor, APE #980830, canceled

Action: It was the decision of the Board to deny the report and refer for discipline.

Subject: Richard Vasquez, ME #25863

Action: It was the decision of the Board to accept the report and lift the probation on Richard Vasquez' affected license.

Subject: Roland L. Young, JW #107722

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

XI REQUEST TO AMEND BOARD POLICY

Business: Request to Amend Policy 07-3 Regarding Delegation of Authority to Program Director

Summary: The Board reviewed the current policy 07-3 regarding delegation of authority to program director to establish continuity within the Division, clarify the action of the program director to issue Show Cause Orders to expedite the complaint process, and allow the program director to issue a Cease and Desist Order when a state inspector has issued a Notice of Alleged Violation.

Action: It was the decision of the Board to adopt the amended language to Board Policy 07-03 as proposed.

XII REVIEW OF REINSTATEMENT APPLICATION

Business: Walter W. Mosher III, ME #25258

Summary: The Board reviewed Mr. Mosher's application for reinstatement of his master electrician's license #25258 and his response to the Board. Mr. Mosher revealed in his application that he continued to work as an electrician after his license lapsed February 28, 2009. Mr. Mosher's license has been reinstated.

Action: It was the decision of the Board to dismiss this matter. The Board found that there was no reasonable cause to warrant further action at this time.

XIII EXECUTIVE SESSION

At 12:58 p.m., Board President, Loren Priest, moved that the Board enter into executive session for the purpose of discussing disputes that are the subject of pending or imminent court action,

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discussing specific claims or grievances, or receiving legal advice on specific legal questions, pursuant to Colorado Revised Statutes section 24-6-402(3)(a)(II), including discussion with legal counsel regarding the legal basis for potential disciplinary action, and, where warranted, recommend settlement guidance for matters discussed in open session today and referred to executive session; the Reports of Investigation case numbers 2010-000936, 2010-000283, 2010-001422, and 2010-001977; also the Case Status Report for the Office of Expedited Settlement; and settlement issues, counter-offers and other legal questions pertaining to the following open cases referred to the Office of Expedited Settlement, including Douglas Ball, Jaime Barth, Ryan McCormick, Sierra Electric Enterprises, Kyle Gibson, and the Case Status Report of the Office of the Attorney General.

The motion was seconded by Terry Schneider and unanimously carried with seven members in attendance, seven voting. At least two-thirds of the entire membership of the Board voted in favor of the motion.

The Board returned to open session at 2:25 p.m.

X OTHER BUSINESS

- Business:** Review of Report of Investigation
Case: 2010-000936 Precision Contractors, Unregistered
Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Precision Contractors by the Board. This complaint alleged that the company was advertising on Craigslist to perform electrical contracting services without the proper registration.
Action: After discussion in executive session, the Board voted in open session to dismiss this case.
- Business:** Review of Report of Investigation
Case: 2010-000283 Unknown Electrician
Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against an unknown electrician by the Board. This complaint alleged that the unknown electrician advertised on Craigslist to perform electrical contracting services without the proper registration.
Action: After discussion in executive session, the Board voted in open session to dismiss this case.
- Business:** Review of Report of Investigation
Case: 2010-001422 Electric Blue, Inc., EC #1195
Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Electric Blue, Inc. by the Board. This complaint alleged that the company advertised on Craigslist for electricians to subcontract electrical work.
Action: After discussion in executive session, the Board voted in open session to dismiss this case. The Board found that there was no reasonable cause to warrant further action at this time.
- Business:** Review of Report of Investigation
Case: 2010-001977 David Young, Unregistered
Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Mr. Young by the

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Board. This complaint alleged that Mr. Young advertised on Craigslist to perform electrical contracting services without the proper registration.

Action: After discussion in executive session, the Board voted in open session to issue a Cease and Desist Order to David Young for offering electrical contractor services without the proper registration.

Business: Reconsideration of Referred Case

Case: 2010–001011 Douglas D. Ball, JW Application

Summary: In executive session, the Board reviewed the case referred to the Office of Expedited Settlement regarding the complaint filed against Mr. Ball by the Board and information regarding his failure to respond. This complaint alleged the Mr. Ball is a convicted felon that is applying for a journeyman license by reciprocity.

Action: After discussion in executive session, the Board voted in open session to deny Mr. Ball's application.

Business: Reconsideration of Referred Case

Case: 2010–001301 Jaimie M. Barth, RW Application

Summary: In executive session, the Board reviewed the case referred to the Office of Expedited Settlement regarding the complaint filed against Mr. Barth by the Board and information regarding his failure to respond. This complaint alleged the Mr. Barth is a convicted felon that is applying for a residential license by examination.

Action: After discussion in executive session, the Board voted in open session to deny Mr. Barth's application.

Business: Reconsideration of Referred Case

Case: 2010–000975 Ryan M. McCormick, JW Application

Summary: In executive session, the Board reviewed the case referred to the Office of Expedited Settlement regarding the complaint filed against Mr. McCormick by the Board and information regarding his failure to respond. This complaint alleged the Mr. McCormick is a convicted felon that is applying for a journeyman license by examination.

Action: After discussion in executive session, the Board voted in open session to deny Mr. McCormick's application.

Subject: Kyle B. Gibson, JW #110557

Case No.: 2009-003356

Summary: In executive session, the Board reviewed the case referred to the Office of Expedited Settlement regarding the complaint filed against Mr. Gibson by Teo Nicolais, Manager of Allison Street Townhomes, LLC. This complaint alleged that Mr. Gibson provided electrical contracting services without the proper licensure and registration.

Action: After discussion in executive session, the Board voted in open session to dismiss this case. The Board found that there was no reasonable cause to warrant further action at this time.

Subject: Sierra Electric Enterprises, Inc., EC #3073

Case No.: 2009-003357

Summary: The Board reviewed the tabled complaint filed against the company by Teo Nicolais, Manager of Allison Street Townhomes, LLC. This complaint alleged that the company failed to meet the generally accepted standards of the electrical practice.

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Action: After discussion in executive session, the Board voted in open session to dismiss this case. The Board found that there was no reasonable cause to warrant further action at this time.

XIV ADJOURNMENT

With all business completed, the meeting was adjourned at 2:43 p.m. The next meeting is scheduled as a telephone conference on Monday, February 22, 2010 at 9:00 a.m.

Approved by: Loren R. Priest, President

Date: February 22, 2010