

RECORD OF PROCEEDINGS

MINUTES OF THE COLORADO STATE ELECTRICAL BOARD MEETING HELD AT 1560 BROADWAY, STE 110D, DENVER, COLORADO ON Monday, September 27, 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 9:07 a.m.

II RECOGNITION OF MEMBERS PRESENT

Loren Priest	Public Member, President
Scott Berg	Building Official
Rory Berumen	Journeyman Electrician
Jerry Coffee	Electrical Contractor
Michael Dell'Orfano	Public Member
Robin Kittel	Electrical Utility
Terry Schneider	Master Electrician

MEMBERS ABSENT

George Nightingale	Electrical Contractor, Vice-President
Jose Amaya	General Contractor

OTHERS PRESENT

Mark Browne	Program Director
Stephen Conrad	Chief Inspector
Dennis Rhodes	Office of Expedited Settlement
John J. Roberts, Esq.	Assistant Attorney General
Joyce J. Young	Enforcement Unit Supervisor
Marian Zabel	Administrative Assistant
Kye Lehr	Plumbing Inspector Supervisor

III PREVIOUS BOARD MEETING MINUTES

A motion was made, seconded, and carried to approve the minutes of the July 26, 2010, meeting.

IV REPORTS FOR RATIFICATION

A. Review of Report of Final Agency Actions – July 7, 2010 through September 3, 2010

Cease and Desist Orders

- | | |
|-----------------------------------|--------------------------|
| 1. Marque Solutions, Unregistered | 3. David Calderon, APE |
| 2. Clint Burke, Unlicensed | 4. 59 Minute Service, EC |

Finalized Letters of Admonition (LOA)

- | | |
|-----------------------------|-------------------------|
| 1. Guadalupe B. Saucedo, JW | 2. Stanley J. Kwake, ME |
|-----------------------------|-------------------------|

* An LOA is not final until the 20-day period has lapsed, allowing the Respondent to contest the action.

Revocations

1. Scott E. Jennings, JW

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Stipulations

- | | |
|------------------------------|----------------------------|
| 1. Carl Waissar, APE | 7. Jeremy P. Haley, JW |
| 2. Richards Electric, EC | 8. Randall D. Krebs, JW |
| 3. Walter R. Bivins, JW | 9. Dustin J. Ortega, JW |
| 4. Christopher L. Bowlby, JW | 10. Robert C. Wengert, JW |
| 5. Randall H. Burt, JW | 11. Armando G. Morales, ME |
| 6. Timothy J. Crooks, JW | |

A motion was made, seconded, and carried 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. A motion was made, seconded, and carried to ratify the reports.

V STAFF COMMENTS

Mr. Browne reminded Members to make attendance at all meetings a priority.

Program Director, Mark Browne, stated that Paul Lamprill, Continuing Competency Technician resigned September 24, 2010. Mr. Browne also stated that the new renewal date for all electricians' licenses will be changed to September 30, 2011. The new renewal date will allow licensees 150 days from the adoption of the NEC 2011 to complete the assessment process.

Chief Inspector, Steve Conrad updated the Board regarding inspector staffing assignments. State Inspector Bill White was reinstated to fill the inspector opening in Craig. John Figa was hired to fill the inspector position in Sterling. All inspector positions are filled.

Joyce J. Young, Enforcement Unit Supervisor stated the Electrical Board will consider emergency CC rules at the November 22, 2010 meeting. Ms. Young explained that emergency rulemaking puts rules in place for 120 days, allowing the regular rulemaking hearing and permanent adoption to take place.

VI REVIEW OF BOARD BUSINESS

A. Requests for Variance

The following variance request was submitted to the Board by September 7, 2010, and in accordance with § 12-23-104(2)(g), C.R.S., 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.

Business: Ouray Micro-Hydro Building, Bob Risch, Mayor – Permit 687564

Summary: The Board considered a variance request to Articles 90.7, 110.3(b), and 445.11 NEC 2008 submitted by Mayor Bob Risch. This request was to allow the installed motor to be used as a generator at the Ouray Micro-Hydro Building in City Park, Ouray, Colorado. Kirk Johnson from Telluride Energy was in attendance.

Action: A motion was made, seconded, and carried to grant this variance with the following:

Provisions

1. This is a one-time variance for Ouray Micro-Hydro Building in City Park, Ouray, Colorado, and permit #687564.

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2. The installed motor is substantially equivalent to a listed motor generator.
3. The variance request approval letter and the manufacturer's documentation shall be permanently posted for future reference near the installed motor.

Findings of Fact

It is the opinion of the Board that:

1. The materials are equivalent to the code requirements.
2. Removal of this installation would result in unreasonable operational conditions and an unreasonable economic burden.
3. The new installation does not compromise public safety.

B. Initial Decisions

Subject: Initial Decision Review
Case No.: 2007-002689, EL 2009-0004 – JW 102137
Summary: The Board reviewed the Administrative Law Judge's Initial Decision in the matter of disciplinary action against Kevin L. Dirks.
Action: A motion was made, seconded, and carried to reject the hearing of oral arguments.
A motion was made, seconded, and carried to accept all the Findings of Fact.
A motion was made, seconded, and carried to accept all the Conclusions of Law.
A motion was made, seconded, and carried to accept the recommended sanction.
A motion was made, seconded, and carried to direct disciplinary counsel to prepare the Final Agency Order by October 18, 2010.

C. Complaints Review

Subject: Accent Electrical Services Corp, EC 6100
Case No.: 2011-000373
Summary: The Board reviewed the complaint filed Accent Electrical Services Corporation by the Board and the response provided by the company's master electrician of record, Daniel V. Neddeau. This complaint alleged that the company failed to properly supervise an apprentice and the work on the project at issue.
Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

Subject: Daniel V. Neddeau, ME 27838
Case No.: 2011-000377
Summary: The Board reviewed the complaint filed against Mr. Neddeau by the Board and his response to the complaint. This complaint alleged that Mr. Neddeau failed to properly supervise an apprentice, Tim Stover.
Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

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

Subject: John A. Tagliente, JW 10807
Case No.: 2011-000375

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Summary: The Board reviewed the complaint filed against Mr. Tagliente by the Board and his response to the complaint. This complaint alleged that Mr. Tagliente failed to properly supervise an apprentice.

Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

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

Subject: Tim Stover, APE 37686

Case No.: 2011-000378

Summary: The Board reviewed the complaint filed against Mr. Stover by the Board and his response to the complaint. This complaint alleged that Mr. Stover failed to work under the supervision of a licensed electrician.

Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

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

Subject: Mountain Sky Electric, EC 6272

Case No.: 2011-005076

Summary: The Board reviewed the complaint filed against Mountain Sky Electric by Ryan Jurgens and the response to the complaint provided by Greg Taschdjian, Esq., on the company's behalf. This complaint alleged that Mountain Sky Electrical loaned/furnished the company's license to obtain electrical work for Terry Botts, Lightening Botts.

Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

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

Subject: Joshua Collins, ME 28803

Case No.: 2010-005075

Summary: The Board reviewed the complaint filed against Mr. Collins by Ryan Jurgens and the response to the complaint provided by Greg Taschdjian, Esq., on Mr. Collins' behalf. This complaint alleged that Mr. Collins failed to adequately supervise the electrical work on the job site at issue.

Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

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

Subject: Lightening Botts, Unregistered

Case No.: 2010-005078

Summary: The Board reviewed the complaint filed against Lightening Botts by Ryan Jurgens and the response to the complaint provided by Greg Taschdjian,

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- Esq., on the company's behalf. This complaint alleged that the company was offering contracting services without the proper contractor registration.
- Action:** A motion was made, seconded, and carried to dismiss the case as being without merit.
- Subject:** Terry Botts, APE 40109
Case No.: 2010-005077
Summary: The Board reviewed the complaint filed against Mr. Botts by Ryan Jurgens and the response to the complaint provided by Greg Taschdjian, Esq., on Mr. Botts' behalf. This complaint alleged that Mr. Botts provided electrical contracting services without the proper licensure or contractor registration.
- Action:** A motion was made, seconded, and carried to refer to executive session for possible discipline.
- After discussion in executive session, a motion was made, seconded, and carried, in open session, to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.
- Subject:** Bear Electric LLC, EC 7412
Case No.: 2010-004131
Summary: The Board reviewed the complaint filed against Bear Electric LLC by Justin Ortiz and information regarding the company's failure to respond to the complaint. This complaint alleged that the company failed to provide proper supervision of their employee and the work on the project at issue.
- Action:** A motion was made, seconded, and carried to issue a Letter of Admonition to Bear Electric for failure to respond to a Board investigation.
- Subject:** George T. Crane, Unregistered
Case No.: 2010-002470
Summary: The Board reviewed the complaint filed against Mr. Crane by the Board and information regarding his failure to respond to the complaint. This complaint alleged that Mr. Crane advertised electrical contracting services without the proper registration.
- Action:** A motion was made, seconded, and carried to issue a Cease and Desist Order to George T. Crane for offering to perform electrical work without the proper registration.
- Subject:** William L. Jensen, JW 104927
Case No.: 2011-000385
Summary: The Board reviewed the complaint filed against Mr. Jensen by the Board and his response to the complaint. This complaint alleged that Mr. Jensen offered electrical contracting services without the proper licensure or registration.
- Action:** A motion was made, seconded, and carried to dismiss the case as being without merit.
- Subject:** Richard A. Kauffman, Unregistered
Case No.: 2010-004193
Summary: The Board reviewed the complaint filed against Mr. Kauffman by Myrtle Martin and information regarding Mr. Kauffman's failure to respond to the complaint. This complaint alleged that Mr. Kauffman performed electrical contracting services without the proper registration.
- Action:** A motion was made, seconded, and carried to issue a Cease and Desist Order to Richard A. Kauffman for offering to perform electrical services without

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the proper registration. In addition, the Board requested that Mr. Kauffman interview with the Board before granting registration or licensure in Colorado.

Subject: Yun T. Lee, ME 25364

Case No.: 2010-005003

Summary: The Board reviewed the complaint filed against Mr. Lee by Mohammadali Shekarchian and the response to the complaint provided by Craig Nuss, Esq. on his behalf. This complaint alleged that Mr. Lee failed to meet the generally accepted standards of electrical practice by failing to make corrections.

Action: A motion was made, seconded, and carried to issue a Letter of Admonition to Yun T. Lee for failure to make corrections in a timely manner.

Subject: Reynalda Pino, Unregistered

Case No.: 2010-003431

Summary: The Board reviewed the complaint filed against Mr. Pino by the Board and information regarding his failure to respond to the complaint. This complaint alleged that Mr. Pino was offering electrical contracting services (on Craigslist) without the proper registration.

Action: A motion was made, seconded, and carried to issue a Cease and Desist Order to Reynalda Pino for offering to perform electrical services without the proper registration.

Subject: Piper Electric Co., Inc., EC 1964

Case No.: 2010-004998

Summary: The Board reviewed the complaint filed against Piper Electric Co., Inc. by the Board and the response provided by the company's master electrician of record, John D. Doherty. This complaint alleged that the company failed to obtain a permit and inspection.

Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

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

Subject: Lord & Reynolds Electrical Services, Inc., EC 2479

Case No.: 2011-000233

Summary: The Board reviewed the complaint filed against Lord & Reynolds Electrical Services, Inc. by the Board and the response provided by the company's master electrician of record, Craig Reynolds. This complaint alleged that the company failed to properly register their employees as apprentices.

Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

Subject: Craig W. Reynolds

Case No.: 2011-000234

Summary: The Board reviewed the complaint filed against Mr. Reynolds by the Board and his response to the complaint. This complaint alleged that Mr. Reynolds failed to properly supervise an apprentice and the work on the project at issue.

Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

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Subject: Matthew Williams, RW 77246, APE unregistered
Case No.: 2011-000235
Summary: The Board reviewed the complaint filed against Mr. Williams by the Board and his response to the complaint. This complaint alleged that Mr. Williams was working beyond the authorization of his residential license by working on a commercial project without being registered as an apprentice.
Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

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

Subject: Ralph Rogers, Unregistered
Case No.: 2011-000347
Summary: The Board reviewed the complaint filed against Mr. Rogers by the Board and information regarding his failure to respond to the complaint. This complaint alleged that Mr. Rogers installed electrical wiring without a permit and inspection.
Action: A motion was made, seconded, and carried to require Mr. Rogers to obtain a homeowner permit and inspection for the work he performed.

Subject: Kevin J. Taylor, JW 111293
Case No.: 2010-004014
Summary: The Board reviewed the complaint filed against Mr. Taylor by Scott Seela and information regarding Mr. Taylor's failure to respond to the complaint. This complaint alleged that Mr. Taylor was offering electrical contracting services (on Craigslist) without the proper registration.
Action: A motion was made, seconded, and carried to refer to executive session for possible discipline.

D. Compliance Monitoring

1. Compliance with Board Order

Subject: Daniel N. Hardin, Jr., APE 950426
Case No.: 2008-000533
Summary: The Board reviewed information regarding Mr. Hardin's failure to comply with his Stipulation and Final Agency Order by providing the required reports. Mrs. Hardin responded to the Board stating that due to an injury, Mr. Hardin will not be able to return to work in the electrical field.
Action: A motion was made, seconded, and carried to dismiss the case as being without merit.

Subject: Randolph S. Jenkins, ME 26932
Case No.: 2006-002750
Summary: The Board reviewed Mr. Jenkins' request for early termination of Board probation and information regarding his release from Court probation on February 15, 2005.
Action: A motion was made, seconded, and carried to approve Randolph S. Jenkins' request for early release from Board probation and probation requirements.

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Subject: Timothy Lawson, JW pending
Case No.: 2009-000682
Summary: The Board reviewed Mr. Lawson's request for early termination of Board probation and information regarding his release from Court probation on March 2, 2010.
Action: A motion was made, seconded, and carried to approve Timothy Lawson's request for early release from Board probation and probation requirements.

2. Quarterly Reports

The following Quarterly Reports were reviewed and voted on as noted.

Subject: Marcus Anthony, ME 25685
Case No.: 2009-003927
Action: A motion was made, seconded, and carried to deny the report pending additional information.

Subject: Thomas M. Aherns, JW 109894
Case No.: 2009-002582
Action: A motion was made, seconded, and carried to accept the report.

Subject: Michael S. Furlong, JW 111499
Case No.: 2009-000248
Action: A motion was made, seconded, and carried to accept report five and six.

Subject: Javier Garcia, JW 102825
Case No.: 2008-003107
Action: A motion was made, seconded, and carried to accept report seven and eight.

Subject: James E. Quilter, Jr., APE 31553
Case No.: 2008-000107
Action: A motion was made, seconded, and carried to accept the report.

Subject: Ralph Signorelli, ME 4325
Case No.: 2006-002205
Action: A motion was made, seconded, and carried to accept the report.

Subject: Brandon Walters, JW 110453
Case No.: 2006-003333
Action: A motion was made, seconded, and carried to accept the report.

E. Request for Reconsideration of Board Decision

Subject: Desert Plains Electric, EC 6590
Case No.: 2010-003549
Summary: Board member Jerry Coffee recused himself from discussion and vote and left the room. The Board reviewed the dismissed complaint and additional information submitted by Reed White for reconsideration of the case against Desert Plains Electric. The complaint alleged that the company failed to correct electrical code violations within a reasonable time (30 days).
Action: A motion was made, seconded, and carried to reaffirm the Board's decision to dismiss the case as being without merit.

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VII REVIEW OF APPLICATIONS

Business: Morgan R. Jensen, JW 104190

Summary: The Board reviewed Mr. Jensen's application for reinstatement of his journeyman electrician's license. Mr. Jensen revealed in this application that he has been convicted of a felony and discharged from parole on April 24, 2009.

Action: A motion was made, seconded, and carried to approve Mr. Jensen's reinstatement application.

IX EXECUTIVE SESSION

At 12:59 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, 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, recommended settlement guidance for matters discussed in open session today and referred to executive session.
- Information regarding the possible license law violation of Mario Falcon-Galvan;
- The Case Status Report of the Office of Expedited Settlement; and settlement issues, counteroffers, and other legal questions pertaining to the following open cases referred to the Office of Expedited Settlements, Robert Haven, Travis Marque, and Mister Sparky Electric; and
- The Case Status Report of the Office of the Attorney General and settlement issues, counteroffers and other legal questions pertaining to the following open cases referred to and referred to the Office of the Attorney General: Steve Maddox.

The motion was seconded by Jerry Coffee and unanimously carried with six members in attendance, six 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 2:00 p.m.

X OTHER BUSINESS

A. MULTI-STATE RECIPROCITY AGREEMENT

In accordance with § 12-23-104(2)(j), C.R.S., the Board is authorized to enter into reciprocal licensing agreements with a state or states where the qualifications for electrical licensing are substantially equivalent to licensure requirements of Colorado.

The following actions were taken:

Action: A motion was made, seconded, and carried to accept all by-laws of National Electrical Reciprocal Alliance.

A motion was made, seconded, and carried to designate Chief Inspector Stephen Conrad as voting member on behalf of the Board.

A motion was made, seconded, and carried to accept Idaho's application for reciprocity.

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A motion was made, seconded, and carried to accept Iowa's application for reciprocity.

A motion was made, seconded, and carried to accept Maine's application for reciprocity.

A motion was made, seconded, and carried to reject Texas' application for reciprocity for lack of supervisory ratio and lack of commercial or industrial experience requirements.

A motion was made, seconded, and carried for the State of Colorado to reciprocate with the following States: Alaska, Arkansas, Idaho, Iowa, Maine, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Utah, and Wyoming.

B. Report of Investigation

Case: 2011-00410 Mario J. Falcon-Galvan, JW 109845, RW 76638
Summary: In executive session, the Board reviewed the Report of Investigation prepared by the Office of Investigations regarding a complaint filed against Mr. Falcon-Galvan by the Board and his response to the complaint. This complaint alleged that Mr. Falcon-Galvan used incorrect social security numbers to obtain licensure.
Action: After discussion in executive session, a motion was made, seconded, and carried in open session to revoke Mario J. Falcon-Galvan's residential wireman and journeyman wireman electrician licenses.

C. Compliance with Board Order

Subject: Robert J. Haven, APE 30096
Case No.: 2009-000137
Summary: The Board reviewed Mr. Haven's request for early termination of Board probation and information regarding his release from Court probation on April 21, 2010.
Action: A motion was made, seconded, and carried to approve Robert J. Haven's request for early release from Board probation and probation requirements.

XI ADJOURNMENT

With all business completed, the meeting was adjourned at 2:03 p.m. The next meeting is scheduled for Monday, November 22, 2010 at 9:00 a.m.

Approved by: Loren R. Priest, President

Date: November 22, 2010