



NORTH CAROLINA STATE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS

NEWSLETTER

AUGUST 2009

EDITION #56

MESSAGE FROM THE CHAIRMAN

I was elected Chairman during the June Board meeting and it struck me, in a humbling way, that I was following a long line of excellent leaders in the industry. As a past Chairman Curtis Kennedy, my good friend and a man for which I have a great deal of respect, said to me once, “there’s a lot of history with this Board”. Having to follow so many great men, I feel a little bit like Elizabeth Taylor’s 5th husband must have felt; “what in the world can I do to make this the least bit exciting and different”. It doesn’t take you but a moment to recognize that the mission should simply be to continue the great work that has been done in the past. There are some significant issues facing the industry today, and we all have to stay involved. One issue of significant concern to me is the gradual erosion of building regulation under the cover of economic needs. As an example, many may think or have been convinced it’s a great idea to save money by doing away with a permit to install a water heater, but in reality all we may have done is open the door to installations by the un-licensed. We may not have actually saved homeowners in the end either, since a guarantee of no inspection could create some installation shortcuts. My primary concern is safety, but it doesn’t seem to make much economic sense either. Loss of sensible regulation doesn’t help the consumer or those licensed to do the job right. There are some cases of the poor application of regulations, but we need to get those fixed and not throw protection out the window.

Franklin D. Roosevelt as President brought this country forward through some tough economic times, yet many of the short term fixes fell on their face. Victor Hugo said that “*emergencies have always been necessary to progress. It was darkness which produced the lamp, fog that produced the compass, and hunger that drove us to exploration*”. Coming out of the depression, he also added “*it took a depression to teach us the value of a real job*”. Many historians believe that if it hadn’t taken us a while to come out of the depression, changes would not have occurred that created long term growth since it would have been too easy to return to the “old way”. I think there’s a lesson in that for today. Sensible regulation makes it easy to do the right thing or do things the right way, and good regulations makes it hard to do things the wrong way. We can’t fix the economy by quick-fixes that have no long term value, and we certainly don’t want to give up sensible regulation that was fought hard for over many years just to put a little money back into someone’s account. We certainly don’t want to relive the emergencies that crafted the need for regulation to begin with.

I look forward to serving as Chairman for the next year and working with such a great Board. I also enjoy the work that involves a constituency I’ve found for the most part to do things the right way.

Tim Bradley, Chairman

Electrical Contractors Newsletter

This newsletter is published semi-annually as a service to electrical contractor licensees and others in the electrical industry. Suggestions for articles of interest for publication in this newsletter are welcome.

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7th ANNUAL CONTINUING EDUCATION INSTRUCTOR OF THE YEAR

The Board was proud to present Mr. Wiley Ray Hardee Jr. the 6th Continuing Education Instructor of the Year award at the North Carolina Electrical Institute Meeting on April 7, 2009. Ms. Donna Baxter, Board Member and Chairman of the Continuing Education Committee, presented Mr. Hardee with the award. Mr. Hardee expressed his appreciation and thanked everyone for their dedication and friendship he has received throughout the many years he has been associated with the electrical industry.

Through the years Ray has been a consistent resource for our industry, serving as an educator and mentor to many electricians, contractors and inspectors. He currently continues to offer courses in all trade classifications through approved sponsors Pitt, and Lenoir Community Colleges. Their electrical courses are an asset to those in the industry and those who seek quality continuing education services.

Ray is the Chief Code Administrator for the City of Kinston. Ray presently directs Inspections and Minimum Housing with three code enforcement officials and permitting personnel.

Ray has over 16 years experience in the electrical field, with 16 years as an Electrical Inspector. He is a Limited Qualified Individual and has a Limited License from the NC Board of Examiners of Electrical Contractors, Level III Standard Certifications with the Code Qualifications Board in Electrical, Building, Mechanical, Plumbing and Fire. He also has a NC Group I Plumbing license.

Ray has been an active member of the NC Ellis Cannady Chapter, International Association of Electrical Inspectors for eight years. He is an approved instructor for the NC Board of Examiners of Electrical Contractors and the NC Department of Insurance Code Qualifications Board. Mr. Hardee has a wife, Carol and has one daughter, Shannon Wainright, and two sons, Wesley Hardee and Ryan Hardee. He is also the proud grandfather of seven.

The Board would like to express their appreciation and gratitude to Mr. Hardee's continued dedication and service for being an instructor for the Continuing Education Program.

We would like to extend to Mr. Hardee continued success in the electrical industry. Mr. Hardee joins an elite class of past recipients of this award. Past recipients below:

2003 – Lloyd Harold Maynard	2004 – Don Allen Hursey
2005 – Albert Thomas Russell	2006 – Robert Ivy Gossett
2007 – William Gerald Harvell	

To cast your vote for the 2009 Continuing Education Instructor of the Year Award please look for the ballot on the Boards website at www.ncbeec.org under Continuing Education.

OFFICERS ELECTED

During its June, 2009 Regular Fourth Quarter Board Meeting, the Board elected officers to serve July 1, 2009 through June 30, 2010 as follows:

CHAIRMAN: TIM BRADLEY

VICE CHAIRMAN: GRAY BRYANT

SECRETARY-TREASURER: ROBERT L. BROOKS, JR.

COMMITTEES APPOINTED

Tim Bradley, Board Chairman, has appointed Board Committees for the 2009-2010 fiscal year as follows:

FINANCE COMMITTEE:

Three members of the Board: Dr. Jim Clark, Chair, Donna Baxter and Gray Bryant.

RULES COMMITTEE:

Three members of the Board: Gray Bryant, Chair, Dr. Jim Clark and Dr. Tony Mitchell.

APPLICATION AND CONTINUING EDUCATION COMMITTEE:

Three members of the Board: Donna Baxter, Chair, Julian Burns and Dr. Jim Clark.

EXAMINATION COMMITTEE:

Three members of the Board: Dr. Tony Mitchell, Chair, Julian R. Burns and Don Harrison.

DISCIPLINARY COMMITTEE:

Two members of the Board: Julian R. Burns, Chair and Don Harrison.

E NEWSLETTERS – COMING FROM YOUR NC STATE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS SOON!!!

Like everyone is experiencing in today's economy, in an effort to conserve costs for printing and postage, the NC State Board of Examiners of Electrical Contractors will begin sending the Board's newsletter by email. With this printing, it will be the last time you will receive your newsletter by mail unless you notify the Board that you do not have internet access. Many of you are already downloading the newsletter from our website after we notify you via email that the current newsletter has been uploaded to the Board's website www.ncbeec.org. Beginning with the January 2010 newsletter, this is what will happen. You will receive the newsletter link in an email from the Board. You will simply click on the link to review or print your copy. It will be very important that you maintain a current email address. Staff here at the Board will be happy to update your contact information or you can update your information on our website by using your User ID and Password and going to License Maintenance. If you are not sure what your User ID and Password are, please give us a call at 919-733-9042 or email us at info1@ncbeec.org and we will tell you what your ID and Passwords are. In today's time, everyone uses email to communicate effectively every day and the Board would like to make more of an effort to communicate with our licensees by email. **Please notify the Board of any changes to your mailing addresses and now, your email address as well.** In the very near future, the Board will be sending your renewal notices and reminders electronically so it is even more important that this information is kept current.

Please visit our website at www.ncbeec.org and go to the bottom of the right hand column and click on the button which says "Enter your email to subscribe to our newsletter!" After you have entered your email address, click "Subscribe" and you will automatically receive the newsletter via email.

RULES PUBLIC HEARING

The State Board of Examiners of Electrical Contractors will conduct a rules public hearing at 8:30 AM on September 24, 2009, in the Board's office located at 3101 Industrial Drive, Suite 206, Raleigh, North Carolina.

The purpose of this hearing is to amend Board Rules cited as 21 NCAC 18B .0201, .0202, .0801, .0804, .0805, .0901, .1101 and .1102. The proposed effective date is January 1, 2010. The proposed action is to write a specialty license classification for electrical wiring carried out by fire alarm system contractors, to make provision for other types of low voltage wiring, and to establish requirements for experience, continuing education, and examination. In addition, the Board seeks to eliminate confusion as to the handling of examination applications by persons with criminal convictions. Persons interested in the proposed action may present written or oral statements at the public hearing or in writing prior to October 16, 2009 by mail addressed to: Robert L. Brooks, Jr., Executive Director, PO Box 18727, Raleigh, NC 27619.

The complete text of each rule to be considered at the public hearing is below. Additions to the rule are underlined. Text to be deleted or replaced is crossed out.

.0201 REQUIREMENTS FOR ALL EXAMINATION APPLICANTS

- (a) To take an examination in any electrical contracting license classification, the applicant must:
- (1) be at least 18 years of age;
 - (2) submit the required duly filed application as defined in Rule .0210;
 - (3) submit with the application written statements from at least two responsible persons attesting to the applicant's good character; and
 - (4) meet any other requirements set out in Paragraph (b) of this Rule.
- (b) Examination applicants must meet the following requirements for the specified license classifications:
- (1) Limited classification. An applicant must have at least four years of experience, as defined in Rule .0202 of this Section, of which at least two years shall be primary experience. The balance of experience may be primary, secondary or both.
 - (2) Intermediate classification. An applicant must have at least six years of experience, as defined in Rule .0202 of this Section, of which at least four years shall be primary experience. The balance of experience may be primary, secondary or both.
 - (3) Unlimited classification. An applicant must:
 - (A) have at least seven years of experience, as defined in Rule .0202 of this Section, of which at least five years shall be primary experience. The balance of experience may be primary, secondary or both, and
 - (B) submit with the application written statements from at least two responsible persons, who are knowledgeable of the applicant's electrical experience, attesting to the applicant's ability to satisfactorily supervise and direct all electrical wiring or electrical installation work done by an electrical contracting business in the unlimited classification.
 - (4) Single family detached residential dwelling (SP-SFD) classification. An applicant must have at least four years of experience, as defined in Rule .0202 of this Section, of which at least two years shall be primary experience. The balance of experience may be primary, secondary or both.
 - (5) Special restricted ~~low fire alarm/low voltage~~ (SP-LV) (SP-FA/LV) classification. An applicant must have at least three years of experience, as defined in Rule .0202 of this Section, of which at least two years shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the low voltage field.
 - (6) Special restricted elevator (SP-EL) classification. An applicant must:
 - (A) have at least four years of experience, as defined in Rule .0202 of this Section, of which at least two and one-half years shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the elevator field, and
 - (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful elevator business in this State.
 - (7) Special restricted plumbing and heating (SP-PH) classification. An applicant must:
 - (A) have at least three years of experience, as defined in Rule .0202 of this Section, of which at least two years shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in

- this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the plumbing, heating or air conditioning field, and
- (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful plumbing, heating or air conditioning business in this State.
- (8) Special restricted ground water pump (SP-WP) classification. An applicant must:
- (A) have at least two years of experience, as defined in Rule .0202 of this Section, of which at least one year shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the ground water pump field, and
 - (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful ground water pump business in this State.
- (9) Special restricted electric sign (SP-ES) classification. An applicant must:
- (A) have at least two years of experience, as defined in Rule .0202 of this Section, of which at least one year shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience in any of the capacities listed in Rule .0202 that the applicant gained in the electric sign field, and
 - (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful electric sign business in this State.
- (10) Special restricted swimming pool (SP-SP) classification. An applicant must:
- (A) have at least two years of experience, as defined in Rule .0202 of this Section, of which at least one year shall be primary experience. The balance of experience may be primary, secondary or both. An applicant in this classification may also receive creditable experience for service in any of the capacities listed in Rule .0202 that the applicant gained in the swimming pool field, and
 - (B) include on the application information verifying that the applicant is primarily engaged in, or is regularly employed by and will be the listed qualified individual for a firm that is primarily engaged in, a lawful swimming pool business in this State.

*History Note: Authority G.S. 87-42; 87-43.3; 87-43.4; 87-44;
 Eff. October 1, 1988;
 Amended Effective _____; March 1, 1999; February 1, 1990.*

.0202 EXPERIENCE

(a) Primary. Primary experience shall mean working experience gained by the applicant while engaged actively and directly in the installation of electrical wiring and equipment governed by the National Electrical Code or work activities directly related thereto. Examples of the capacity in which a person may work in gaining primary experience and the percentages for creditable primary experience are as follows:

	Percentage
(1) journeyman electrician or electrician mechanic, both meaning the same;	100
(2) electrical foreman;	100
(3) electrical general foreman;	100
(4) electrical superintendent;	100
(5) electrical general superintendent;	100
(6) estimator for licensed electrical contractor;	100
(7) electrical inspector recognized as such by the State Department of Insurance;	100
(8) time spent by a professional engineer who is responsible for follow-up project supervision, beyond the point of delivery, in electrical engineering, design, or consulting;	100
(9) full-time instructor teaching National Electrical Code <u>and NFPA 72</u> and related electrical courses at a college, university, community college, technical institute, high school or vocational school;	50
(10) maintenance journeyman electrician or electrician mechanic employed in a full-time electrical maintenance department;	100
(11) time actually spent in electrical maintenance by a maintenance journeyman electrician or electrician mechanic regularly employed in other than a full-time electrical maintenance department;	100
(12) military person holding an electrician rating or rank of at least E-4 who is engaged in land based	

electrical installations similar or equivalent to work performed by an electrical contractor;	100
(13) time actually spent in part-time or incidental work in any primary experience category.	100
<u>(14) time actually spent installing and/or maintaining fire alarm/low voltage systems</u>	<u>100</u>
<u>(15) time as a holder of NICET certification on NFPA 72</u>	<u>50</u>

In calculating accumulative primary experience, a total of 2,000 hours shall equal one creditable year. The total number of creditable years shall be calculated by dividing the total hours of primary experience by 2,000. Example: Applicant has worked in primary capacity for a total of 7,200 hours of primary experience.

$$\frac{7,200}{2,000} = 3.6 \text{ years creditable primary work experience}$$

(b) Secondary. Secondary experience shall mean working experience gained while engaged in work or training that is related in varying degrees to the installation of electrical wiring and equipment governed by the National Electrical Code. Examples of the type of work or training in which a person may engage to gain creditable secondary experience and the percentages for creditable secondary experience are as follows:

	Percentage
(1) apprentice electrician training in an approved program;	100
(2) apprentice electrician or helper other than as described in Items (1) and (3) of this list;	80
(3) time actually spent in electrical maintenance by a maintenance apprentice or electrician helper regularly employed in other than a full-time electrical maintenance department;	80
(4) student satisfactorily completing National Electrical Code and related electrical courses at a college, university, community college, technical institute, high school or vocational school;	50
(5) Time spent by a professional engineer who is not responsible for follow-up project supervision, beyond the point of delivery, in electrical engineering, design, or consulting;	50
(6) Electrical construction design under the supervision of a professional engineer;	50
(7) sales representative for an electrical wholesaler, distributor, or manufacturer;	20
(8) appliance service and repair;	20
(9) electric utility lineman;	10
(10) electric utility serviceman.	20

In calculating accumulative secondary experience, a total of 2,000 hours shall equal one creditable year. The total number of creditable years shall be calculated by applying the percentage for creditable secondary experience and dividing the remainder hours by 2,000. Example: Applicant has 1,000 hours of work experience as a helper or regular apprentice and 2,200 hours of experience while enrolled in an approved apprentice training program: 1,000 hours at 80 percent = 800 hours secondary experience; 2,200 hours at 100 percent = 2,200 hours secondary experience;

$$\frac{800 + 2,200}{2,000} = 1.5 \text{ years creditable secondary experience}$$

(c) Other Experience. The Board shall approve other experience that it finds to be equivalent or similar to the primary or secondary experience defined in this Rule.

*History Note: Authority G.S. 87-42; 87-43.3; 87-43.4;
Eff. October 1, 1988;
Amended Effective _____; March 1, 1999.*

.0801 GENERAL PROVISIONS

(a) Types. A special restricted electrical contracting license classification is a classification established by the Board pursuant to G.S. 87-43.3 or established directly by G.S. 87-43.4. Its purpose is to license persons, partnerships, firms, or corporations to engage or offer to engage in only a limited phase of electrical contracting work. Each special restricted license classification is separate from all other special restricted and regular license classifications. At the direction of G.S. 87-43.4, the Board created the special restricted single family dwelling electrical contracting license. Pursuant to G.S. 87-43.3, the Board has established the following special restricted electrical contracting licenses:

- (1) ~~low fire alarm/low voltage wiring license (SP-LV)~~ (SP-FA/LV);
- (2) elevator license (SP-EL);
- (3) plumbing, heating, and air conditioning license (SP-PH);
- (4) groundwater pump license (SP-WP);
- (5) electric sign license (SP-ES); and
- (6) swimming pool license (SP-SP).

(b) Limited Scope. A special restricted contracting license does not authorize the licensee to engage or offer to engage in the business of electrical contracting in general. It authorizes the licensee to engage or offer to engage only in the limited phase of electrical contracting described in the Rule in this Section that specifies the scope of the applicable special restricted license.

(c) No Project Value Limit. The limitations concerning the dollar value of projects that may be undertaken by a limited or an intermediate licensee do not apply to special restricted licensees. Thus, the holder of a special restricted license may engage or offer to engage in any project authorized by the license regardless of the dollar value of the project.

(d) Effect of Regular License. A licensee in the regular license classifications, whether limited, intermediate or unlimited, is qualified to engage or offer to engage in any activity authorized by a special restricted license, subject to the project value limitations contained in G.S. 87-43.3, and does not have to obtain a special restricted license.

History Note: Authority G.S. 87-42; 87-43.3; 87-43.4;

Eff. October 1, 1988;

Amended Effective _____; February 1, 1995; February 1, 1990.

.0804 SCOPE OF ~~SP-LV~~ SP-FA-LV LICENSE

(a) Definition. ~~Low Fire alarm, burglar alarm and low voltage wiring is~~ wiring systems are defined as:

- (1) wiring systems of 50 volts or less and control circuits directly associated therewith; or
- (2) wiring systems that have a voltage in excess of 50 volts and consist solely of power limited circuits meeting the definition of a Class II or Class III wiring system in the National Electrical Code; or
- (3) line voltage wiring that has a voltage no in excess of 300 volts to ground and is installed from the load-side terminals of a disconnecting means or from a junction box, either of which has been installed by others, for the specific purpose of supplying the low voltage wiring system involved. Some low voltage wiring systems that meet this definition are exempt under Rule .0805; ~~or~~
- (4) interconnected components wired to a common control panel either as a standalone fire alarm system or as part of a combination burglar/fire system to monitor and annunciate the status of evidence of flame, heat, smoke and/or water flow within a building or structure per the requirements of the NC Building Code and NFPA 72; or
- (5) Burglar alarm system as defined in GS 74D.

(b) Scope. A special restricted ~~low fire alarm/low~~ fire alarm/low voltage electrical contracting license authorizes the licensee to install, maintain, or repair only low voltage wiring and directly related wiring as defined in subsection (a) above. Wiring is directly related if it:

- (1) originates at the load-side terminals of a disconnecting means or junction box that:
 - (A) has been installed, complete with line-side connections, by others for the specific purpose of supplying the low voltage wiring system involved; and
 - (B) is permanently and legibly marked to identify the low voltage wiring system supplied; and
- (2) is not installed in a location considered as hazardous under the National Electrical Code.

History Note: Authority G.S. 87-42; 87-43.3;

Eff. October 1, 1988. ~~1988;~~

Amended Effective _____

.0805 EXEMPTION OF CERTAIN LOW VOLTAGE WIRING SYSTEMS

(a) Exemption. ~~The~~ Except a fire alarm, burglar alarm and low voltage wiring system as defined in Rule .0804, the installation, maintenance, or repair of certain low voltage wiring systems may be performed by those not licensed by the Board if all of the following conditions are met:

- (1) the system is not required by the N.C. State Building Code;
- (2) the low voltage control circuit and power supply is a Class II or Class III system as defined in the National Electrical Code;
- (3) the system operates at a voltage not in excess of 50 volts or meets the provisions for sound-recording and similar equipment in the National Electrical Code;
- (4) no part of the system is installed in an area considered as hazardous under the National Electrical Code;
- (5) the system is current limited or protected by a circuit breaker, fuse, or other current limiting device; and
- (6) a failure in the system would not, in the opinion of the electrical inspector having jurisdiction, create a shock or fire hazard to persons or property.

(b) Rulings. The Board's executive director shall research the requirements of the N. C. State Building Code, make field investigations of low voltage wiring systems in question, and issue rulings on whether a low voltage system meets the above criteria. When the executive director is unable to make a determination he shall refer the case involved to the Board for a ruling.

*History Note: Authority G.S. 87-42; 87-43.3;
Eff. October 1, 1988; 1988;
Amended Effective _____*

.0901 APPLICANTS CONVICTED OF CRIMES

The Board shall not consider the examination application of a person who has been convicted of a crime involving fraud or moral turpitude until at least one year has elapsed following the applicant's completion of the terms and conditions of any punishment for the conviction, except for ~~parole and~~ unsupervised probation.

*History Note: Authority G.S. 87-42; 87-43.3; 87-43.4; 87-47(a1)(4);
Eff. October 1, 1988;
Amended Eff. _____; April 1, 1995; February 1, 1990.*

.1101 CONTINUING EDUCATION REQUIREMENTS: LISTED QUALIFIED INDIVIDUALS

(a) Every listed qualified individual, including listed qualified individuals pursuant to G.S. 87-50, shall complete continuing education for each license period (July 1 - June 30) to renew the license on which the qualified individual is currently listed, for the next license period, except as follows:

- (1) individuals becoming qualified by examination during the 12 month period immediately preceding the license renewal date;
- (2) qualified individuals unable to fulfill the required number of hours as the result of illness as certified in writing by the attending physician; or
- (3) approved instructors presenting courses in accordance with this Section.

(b) The number of required contact hours for every listed qualified individual shall be determined by the classification of license on which the qualified individual is currently listed as follows:

- (1) qualified individuals currently listed on a license in the limited, intermediate, unlimited and special restricted single family dwelling classifications shall complete at least eight hours of approved continuing education for license renewal, and
- (2) qualified individuals currently listed on a license in the special restricted ~~low fire alarm/low voltage~~ (SP-LV) (SP-FA/LV), special restricted elevator (SP-EL), special restricted plumbing and heating (SP-PH), special restricted ground water pump (SP-WP), special restricted electric sign (SP-ES) and special restricted swimming pool (SP-SP) classifications shall complete at least four hours of approved continuing education for license renewal.

(c) The Board, pursuant to Rules .1102 and .1103 of the Section, approves course sponsors and instructors, not particular courses, except as provided in Paragraph (f) of this Rule. Because of differences in the electrical contracting industry and individual needs of listed qualified individuals, each qualified individual must exercise judgment in selecting courses for which continuing education is claimed and in choosing only those courses that will advance the individual's knowledge.

(d) Course sponsors may be, but are not limited to, colleges or universities, community colleges, trade associations, providers of self-study programs, employers, third party professional examination companies, private instructors and the like.

(e) North Carolina listed qualified individuals residing within the state must obtain the required continuing education hours by taking a course provided by an approved sponsor.

(f) North Carolina listed qualified individuals residing outside of North Carolina, including listed qualified individuals pursuant to G.S. 87-50, may obtain credit for courses offered in North Carolina. They may also obtain credit for courses offered in their state, province or country of residence and provided by non-approved sponsors or instructors provided the Board subsequently approves the courses taken, pursuant to Rule .1102(b) of this Section.

*History Note: Authority G.S. 87-42; 87-44.1;
Eff. October 1, 1990;
Amended Effective _____; January 1, 2006; March 1, 1999.*

.1102 MINIMUM REQUIREMENTS FOR COURSE SPONSOR APPROVAL

(a) Each course sponsor shall submit an application for continuing education course sponsor approval to the Board on a form provided by the Board by March 1 of the year prior to the license period (July 1 - June 30) in which the course will be offered. The application shall include but is not limited to:

- (1) the name of the sponsor;
- (2) sponsor contact person, address and telephone number;
- (3) course title and outline;
- (4) course contact hours;
- (5) schedule of courses, if established, including dates, time and locations;
- (6) course fee; and
- (7) name(s) of instructor(s).

(b) To qualify as an approved continuing education course sponsor:

- (1) all courses offered by the sponsor shall last no fewer than the minimum number of contact hours required for the license classification pursuant to Rule .1101(b) of this Section; and
- (2) all courses offered by the sponsor shall cover articles of the current National Electrical Code; NFPA 72 and reference materials for Fire Alarm Systems; G.S. 87, Article 4; Title 21 North Carolina Administrative Code Chapter 18B; or other subject matter satisfying the requirements in G.S. 87-44.1 as approved by the Board.

(c) The course offered shall be presented by one or more instructors approved by the Board.

(d) The course sponsor or instructor shall provide the Board with a certified class roster of all attending qualified individuals within 30 days after the completion of each course.

(e) The course sponsor or instructor shall provide each attending qualified individual with a certificate of completion within 30 days after completion of each course.

(f) The Board shall approve or deny applications at its April meeting.

(g) Upon approval of the application, each approved sponsor shall agree to conduct courses in accordance with this Section and shall indicate its agreement by signing a continuing education sponsor agreement form provided by the Board.

History Note: Authority G.S. 87-42; 87-44.1;

Eff. October 1, 1990;

Amended Effective _____; January 1, 2006; March 1, 1999.

FREQUENTLY ASKED QUESTIONS - PROPOSED BOARD RULES

SPECIAL RESTRICTED FIRE ALARM/LOW VOLTAGE (FA/LV) LICENSE CLASSIFICATION

1. *How will the proposed rules change the present (SP-LV) license classification?*

The present Special Restricted Low Voltage (SP-LV) license classification will be changed to *Special Restricted Fire Alarm/Low Voltage (SP-FA/LV)* license classification. The name change will clarify the scope of electrical work covered by this classification. The electrical work definitions have been expanded and include fire alarm, burglar alarm and low voltage wiring systems.

2. *Will my current SP-LV license change to the new title SP-FA/LV upon renewal after January 1, 2010?*

Yes. The new title will appear as (License #)-SP-FA/LV.

3. *I currently hold an Unlimited license and install fire alarm systems. Will the proposed rules change my way of making a living?*

No. Licensees in the Unlimited, Intermediate, Limited and SP-FA/LV are allowed to engage or offer to engage in fire alarm systems work. Additionally, the SP-SFD (Special Restricted Single Family Dwelling) license classification is permitted to perform this work for single family residential dwellings.

4. *What changes are proposed for the examinations?*

Effective January 1, 2010, the examinations will have more questions based on the National Fire Alarm Code, NFPA 72 as follows:

Unlimited	8 questions
Intermediate	8 questions
Limited	8 questions
SP-FA/LV	15 questions
SP-SFD	4 questions

5. *What changes are proposed for continuing education?*

The course approval has been expanded to include courses that cover National Fire Alarm Code, NFPA 72 and other reference materials for Fire Alarm Systems. No change in the required continuing education hours for license renewal.

6. *Can I get continuing education credit for completing an approved fire alarm course for my Unlimited, Intermediate, Limited, SP-SFD and SP-FA/LA license?*

Yes.

7. *Will the proposed rules require an increase in my license fee?*

No.

DATES AHEAD

2009 NCAEC ELECTRICAL APPRENTICE CONTEST

The 2nd Annual NCAEC Electrical Apprentice Contest will be held September 28, 2009 at the Greensboro Coliseum in Greensboro, NC. For detailed information, contact NCAEC's Office, Telephone 336-854-8354

2009 IAEI SOUTHERN SECTION MEETING

The International Association of Electrical Inspectors (IAEI) will hold its Annual Southern Section Meeting at the **Renaissance Hotel – Tulsa, Oklahoma** October 11th-14th, 2009. For detailed information, contact John Staires (918)-640-7656

2009 ELECTRICAL APPRENTICE CONTEST

The 25th Annual Electrical Apprentice Contest will be held October 21, 2009 at the NC State Fairgrounds. For detailed information, contact the NCDOL Apprenticeship and Training Bureau, Telephone 919-733-7533.

2009 IAEI NC ELLIS CANNADY CHAPTER FALL MEETING AND CODE WORKSHOP

The NC Ellis Cannady Chapter (IAEI) will hold its Annual Fall Meeting and Code Workshop at the Hilton North Raleigh, Raleigh, NC, November 8-10, 2009. For detailed information, contact Mary Higgins, at maryh@ncbeec.org or Telephone 919-733-9042 ext. 205.

Did You Know A Failed Exam May Be Reviewed?

Exam candidates have a privilege of reviewing a failed exam. The Board provides classroom review with an opportunity to ask questions and receive assistance towards making an individuals' next examination a successful experience. An individual may review his/her failed examination only Once. The cost of an examination review is twenty five dollars (\$25.00). The Board's examination records show the overall passing rate of the past year was 35 %. You should note the overall passing rate was 81% for candidates who took advantage of an examination review before retaking the exam.

Title 21 NCAC 18B .0211 – Waiting Period Between Examinations

A person who fails a regular qualifying examination must wait before being eligible to take another regular examination in the same classification. The waiting period depends on the score on the failed examination, as follows:

Failed Examination Grade	Waiting Period
74-65	3 months
64 and below	6 months

(b) A person who fails an examination in the same license classification three times must satisfactorily complete a minimum of 16 hours classroom education on the electrical code provided by a board-approved continuing education sponsor before retaking the examination.

(c) A person shall be considered a new applicant each time he applies to take an examination and must file an application on the standard application form and pay the required examination fee of ninety dollars (\$90.00).

If an exam candidate wishes to review his/her exam, he/she may return the application given to them at the exam site and return to the Board's Office along with the twenty five dollar (\$25.00) fee for a scheduled review.

**ANNUAL REPORT OF STATE BOARD OF EXAMINERS OF ELECTRICAL CONTRACTORS
FISCAL YEAR JULY 1, 2008 – JUNE 30, 2009**

Number of persons who applied to Board for examination	1,338
Number of applications returned to sender because they were not duly filed	163
Number who were refused examination	0
Number who cancelled or withdrew application	318
Number who took examination	1,020
Number to whom initial licenses were issued (including reciprocity)	555
Number who applied for licenses by reciprocity or comity	166
Number who were granted licenses by reciprocity or comity	166
Number of licenses terminated for any reason other than failure to pay the required renewal fee (Deceased during 2008-2009 fiscal year)	21
TOTAL number of active licenses as of 6/30/2009	14,189
COMPLAINT REPORT RECEIVED DURING JULY 1, 2008 – JUNE 30, 2009	
Complaints Received:	
Board Staff	51
Case Reopened	0
Verbal/In Person	11
Written/Complaint Form	271
TOTAL	333
Complainant:	
Boards Staff	84
Concerned Citizen	39
Inspector	75
Licensee	65
Owner	64
State Agency	6
TOTAL	333
Complaints Registered Against:	
Licensee	180
Non-licensee	153
TOTAL	333
Alleged Issues: (One complaint may be listed in more than one category)	
Contractual / Financial Dispute	3
Criminal Convictions	25
Electrical Code Violations	3
Other	70
Permit - Inspections	21
Violation of Laws and Rules	142
Resolutions: (One complaint may be listed in more than one category)	
Unknown (Open Cases)	82
Informal Inquiry – Satisfactorily Resolved	8
Licensee - Dismissed	39
Licensee – Permit or Verbal Warning	27
Licensee – Reprimand, Probation, Civil Penalty	33
Licensee – Suspension or Revocation	5
Non – Licensee Warning	81
Non – Licensee Court Action	3
Non – Licensee Dismissed	33
TOTAL RESOLVED	333
TOTAL PENDING	82
TOTAL COMPLAINTS	333

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

COURT CASES

CASE FILE NUMBER: 2008-67

NON-LICENSEE: Ramzi Mohammed Kharbat
d/b/a Heat Wave Heating and Cooling

ADDRESS: 4701 Wrightsville Ave
Wilmington, NC 28405

VIOLATION: Engaging in the business of electrical contracting without license in violation of Court Order.

COURT ACTION: Court action instituted in New Hanover County Court resulting in entry of Order of Contempt on February 9, 2009, finding Mr. Kharbat guilty of criminal contempt of the prior order of the Court (Permanent Injunction Order entered by the Court on November 28, 2001). The Court sentenced Defendant to be incarcerated thirty (30) consecutive days in the New Hanover County Jail which sentence is not to be served concurrently with any other Jail sentence(s) and is to begin following the completion of Defendant's current incarceration with the Department of Corrections.

The Court issued an Order of Arrest directing the Sheriff to arrest Mr. Kharbat at the conclusion of a separate sentence being served in the Department of Corrections.

The Court further ordered that the Permanent Injunction Order previously entered by the Court on November 28, 2001 remain in effect at all times as defendant does not possess a license from the Board. The matter was retained for the entry of further orders as necessary.

EFFECTIVE DATE: February 9, 2009

CASE FILE NUMBER: 2008-103

NON-LICENSEE: Wayne Antonio Lawrence
d/b/a FIFA Electric Co.

ADDRESS: 7032 Summer Place
Charlotte, NC 28213

VIOLATION: Engaging in the business of electrical contracting without license.

COURT ACTION: Civil action instituted in Mecklenburg County Superior Court resulting in the entry of a Court Order on February 13, 2009 whereby Wayne Antonio Lawrence d/b/a FIFA Electric Co. is permanently restrained from engaging in the business of electrical contracting as

defined in Article 4, Chapter 87 of the General Statutes of North Carolina, until such time he has been issued a license from the Board. The defendant was assessed with the costs of this action and informed that further violations would result in Contempt of Court proceedings.

EFFECTIVE DATE: February 13, 2009

CASE FILE NUMBER: 2008-161

NON-LICENSEE: Ronald Lee Webb

ADDRESS: 415 East 28th Street
Winston-Salem, NC 27105

VIOLATION: Engaging in the business of electrical contracting without license.

COURT ACTION: Civil action instituted in Forsyth County Superior Court resulting in the entry of a Court Order on December 16, 2008 whereby Ronald Lee Webb is permanently restrained from engaging in the business of electrical contracting as defined in Article 4, Chapter 87 of the General Statutes of North Carolina, until such time he has been issued a license from the Board. The defendant was assessed with the costs of this action and advised that further violations would result in Contempt of Court proceedings.

EFFECTIVE DATE: December 16, 2008

CASE FILE NUMBER: 2008-347

NON-LICENSEE: Gerald Craig Peace

ADDRESS: 6819 Wheatmore Court
Trinity, NC 27370

VIOLATION: Engaging in the business of electrical contracting without license.

COURT ACTION: Civil action instituted in Guilford County Superior Court resulting in the entry of a Court Order on April 2, 2009 whereby Gerald Craig Peace is permanently restrained from engaging in the business of electrical contracting as defined in Article 4, Chapter 87 of the General Statutes of North Carolina, until such time he has been issued a license from the Board. The defendant was assessed with the costs of this action and advised that further violations would result in Contempt of Court proceedings.

EFFECTIVE DATE: April 2, 2009

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

NOTICE OF VIOLATIONS

CASE FILE NUMBER: 2008-65
LICENSEE: SBA Network Services Inc.
ADDRESS: 5900 Broken Sound Parkway NW
Boca Raton, FL 33487

LISTED QUALIFIED INDIVIDUAL:
David Lamar Tribble

LICENSE NUMBER: 26232-U
VIOLATION(S): Violated General Statute 87-47 (a1) (1) in that the firm:
Operated an unlicensed branch office at 4402-C Stuart Andrews Blvd, Charlotte, North Carolina, at a time when the only qualified individual was in the Florida office. Electrical contracting was then stopped.

BOARD ACTION: The Board, acting through its staff, proposed a reprimand and a civil penalty of one thousand dollars (\$1,000.00) and two (2) year probation, with one (1) year suspension of license and the right to serve as a listed qualified individuals on any license issued by the Board in the event of failure to comply with the following conditions:

No further violation of the General Statutes or the Rules of the Board during the period of probation.
There was no objection from the licensee and the Board concurred in the action of staff.

EFFECTIVE DATE: June 25, 2009

CASE FILE NUMBER: 2008-233
LICENSEE: Dan King's One Hour Air Conditioning and Heating
ADDRESS: 8521 Crown Crescent Ct
Charlotte, NC 28227

LISTED QUALIFIED INDIVIDUAL:
Jonathan Roy Sprinkle

LICENSE NUMBER: 27339-L
VIOLATION(S): Violated General Statute 87-47 (a1) (6), (7) and Board Rule .0402 (b) in that the firm:
Failed to operate all electrical contracting business in the name as licensed by the Board.

BOARD ACTION: The Board, acting through its staff, proposed a reprimand and five hundred dollars (\$500.00) civil penalty.
There was no objection from the licensee and the Board concurred in the action of staff.

EFFECTIVE DATE: June 25, 2009

CASE FILE NUMBER: 2008-293
LICENSEE: Gopher Utility Services Inc.
ADDRESS: 1511 N Main St
Kannapolis, NC 28081

LISTED QUALIFIED INDIVIDUAL:
Reid Edward Mullis

LICENSE NUMBER: 17833-L
VIOLATION(S): Violation of GS 87-47(a1)(1)(5) and (7), in that the firm;

(1) Gopher Utility Services, Inc. (Accepted Bidder) submitted a bid for construction of a Waste Water Treatment Plant project in Currituck County which included 1.3 million dollars electrical work and exceeded his License limitation of his Limited License (\$40,000); and

(2) Reid Edward Mullis d/b/a Gopher Utility Services, Inc., subcontracted the Waste Water Treatment Plant electrical project to an Unlimited Licensee for 1.3 million dollars; and

(3) Electrical work on the Waste Water Treatment Plant electrical project was stopped (27th of October 2008) until valid bids can be submitted and awarded to a person, partnership, firm or corporation duly licensed by the Board to engage or offer to engage in this project.

BOARD ACTION: The Board, acting through its staff, proposes a reprimand and a civil penalty of one thousand dollars (\$1,000.00) and three (3) year probation, with one (1) year suspension of license and the right to serve as a listed qualified individuals on any license issued by the Board in the event of failure to comply with the following conditions:

(a) No further violation of the General Statutes or the Rules of the Board during the period of probation; and

(b) have written contracts or proposals signed by licensee and customer for all projects over \$100.00 for which licensee is responsible; and

(c) obtain permits as required for each contract prior to commencement of work, retain a copy of the permit in job file for each particular installation and assure that a final inspection has been performed by the Local Code Enforcement official for each installation; and

(d) maintain job files or other written records of contracts made and installations performed; and

(e)-utilize no personnel on any job except; persons receiving a IRS Form W-2 and IRS Form W-4 from Reid Edward Mullis d/b/a Gopher Utility Services, Inc, or an employee of both Reid Edward Mullis d/b/a Gopher Utility Services, Inc. and a labor supplier such as Manpower, Tradesman, Work Force, etc.; and

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

(f)-subcontract no jobs to other licensed electrical contractors; and

(g) take steps to assure that a person holding qualification license from Board visits every job prior to every inspection request; and

(h) maintain records detailing and documenting compliance with the provisions of this probation order which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board.

There was no objection from the licensee and the Board concurred in the action of staff.

EFFECTIVE DATE: February 26, 2009

CASE FILE NUMBER: 2008-335
LICENSEE: Bogue Banks Electric
ADDRESS: PO Box 357
Atlantic Beach, NC 28512

LISTED QUALIFIED INDIVIDUAL:
Ronald Kevin Pelfrey
LICENSE NUMBER: 26780-L

VIOLATION(S): Violation of GS 87-47(a1) (7) and Chapter 160-417, in that the firm;
Failed to obtain the required electrical permit to perform electrical contracting work at 206 North 24th Street, Morehead City, North Carolina prior to beginning the electrical installation, and installed an inadequate sub-panel and omitted to install a hinged cover on the panel box.

BOARD ACTION: The Board, acting through its staff, proposed a reprimand and twelve (12) months probation with conditions. In the event of failure to comply with the probation conditions, the Board may impose a sanction of twelve (12) months suspension of license and the right to serve as a listed qualified individual on any license and the right to serve as a listed qualified individual on any license issued by the Board. The probation conditions are as follows:

- (1) No further Violation of General Statutes or the Rules of the Board and
 - (2) Obtain all required permits prior to starting any electrical projects and assure that final inspections have been performed within 10 day of substantial completion.
- There was no objection from the licensee and the Board concurred in the action of staff.

EFFECTIVE DATE: June 25, 2009

CASE FILE NUMBER: 2008-348
LICENSEE: Spirit Electric
ADDRESS: 291 Apache Drive
Winston-Salem, NC 27107

LISTED QUALIFIED INDIVIDUAL:
Randy Dean Saunders
LICENSE NUMBER: 23643-L

VIOLATION(S): Violation of GS 87-47(a1)(2)(3)(5) and (7), in that the firm;

- (1) assigned the license to Gerald Craig Peace (unlicensed person) by allowing him to engage in an electrical project located at 411 Tomlinson Street, High Point, NC;
- (2) aided and abetted Gerald Craig Peace (unlicensed person) to engage in the business of electrical contracting; and
- (3) engaged in unethical conduct in the use of the license.

BOARD ACTION: The Board, acting through its staff, proposed that the license of Respondent firm and the status of Respondent Randy Dean Saunders as a qualifying individual be suspended for six (6) months. Upon reinstatement of license, the license shall be placed on probation for two (2) years with the following conditions:

- (1) No further violation of the General Statutes or the Rules of the Board;
- (2) Obtain written and signed contracts for all electrical projects over one hundred dollars (\$100.00) in value; and
- (3) Maintain job files or other written records of contracts made and installations performed; and
- (3) Obtain all required permits prior to starting any electrical projects and assure that final inspections have been performed within 10 days of substantial completion.

In the event of failure to comply with the conditions of probation, the license of the firm and the status of the Respondent as a qualified individual shall be suspended for a period of two (2) years.

There was no objection from the licensee and the Board concurred in the action of staff.

EFFECTIVE DATE: February 26, 2009

CASE FILE NUMBER: 2008-353
LICENSEE: MSF Electric, Inc
ADDRESS: 7513 Knightdale Blvd
Suite 2B, Knightdale, NC 27545
LISTED QUALIFIED INDIVIDUAL:
James H. Wandland
LICENSE NUMBER: 10846/01-U

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

VIOLATION(S): Violated General Statute 87-47 (a1) (1), (2), (3), (5), (7) and Board Rule .0402 (c) in that:

1. James H. Wandland (Listed Qualifier) d/b/a MSF Electric, Inc. used temporary employees that were not bona-fide (IRS Form W-4, IRS Form W-2) employees of the firm, including James H. Wandland himself, and

2. relocated business without notifying the Board within thirty days after changing the business address.

BOARD ACTION: The Board, acting through its staff, proposes a reprimand with one (1) year suspension of license and the right to serve as a listed qualified individuals on any license issued by the Board in the event of failure to comply with the following conditions:

- (1) James H. Wandland shall enroll in the approved disciplinary class offered by Contractors Education Services, LLC/Umpire Technologies Group Inc. and present evidence of a passing score by July 31, 2009;
- (2) have written contracts or proposals signed by licensee and customer for all projects over \$100.00 for which licensee is responsible;
- (3) obtain permits as required for each contract prior to commencement of work, retain a copy of the permit in job file for each particular installation and assure that a final inspection has been performed by the Local Code enforcement official for each installation;
- (4) maintain job files or other written records of contracts made and installations performed;
- (5) utilize no personnel on any job except:
 - (a) persons receiving an IRS Form W-2 from the licensee;
 - (b) an employee of both the licensee and a labor supplier such as Manpower, Tradesman, Work Force, etc.; and
 - (c) utilize only IRS Form W-2 employees of the licensee as qualifiers, job superintendents or foremen.

(6) subcontract no jobs to other licensed electrical contractors;

(7) take steps to assure that a person holding qualification license from the Board visit every job prior to every inspection request; and

(8) maintain records detailing and documenting James H. Wandland's compliance with the provisions of this probation order which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board.

There was no objection from the licensee and the Board concurred in the action of staff.

EFFECTIVE DATE: June 25, 2009

CASE FILE NUMBER: 2009-5

LICENSEE: Norton's A/C & Electrical Contractors

ADDRESS: 6061 Marsh Road
Laurel Hill, NC 28351

LISTED QUALIFIED INDIVIDUAL:

Danny Charles Norton

LICENSE NUMBER: 09161-L

VIOLATION(S): Violated General Statute 87-47 (a1) (1), (5) and (7) in that the firm:

Contracted an electrical contracting project at 105 Taylor Street, Aberdeen, North Carolina for Southeastern Tool and Die, Inc and;

- (1) exceeded the Limited license limitation by engaging in a \$87000.00 project in excess of the forty thousand (\$40,000) limitation for a Limited license; and
- (2) failed to obtain an electrical permit covering the scope of electrical work; and
- (3) engaged in fraud and deceit in the practice of electrical contracting.

BOARD ACTION: The Board, acting through its staff, proposed a reprimand, a civil penalty of one thousand dollars (\$1,000.00) and two (2) year probation, with one (1) year suspension of license and the right to serve as a listed qualified individuals on any license issued by the Board in the event of failure to comply with the following conditions:

- (1) No further violation of the General Statutes or the Rules of the Board during the period of probation; and
- (2) obtain written and signed contracts for all electrical projects over one hundred dollars (\$100.00) in value; and
- (3) obtain all required electrical permits prior to starting any electrical projects; and
- (4) properly supervise and direct all employees and projects.

There was no objection from the licensee and the Board concurred in the action of staff.

EFFECTIVE DATE: June 25, 2009

CASE FILE NUMBER: 2009-29

LICENSEE: MSF Electric, Inc

ADDRESS: 13003 Southwest Frwy
Suite 180, Stafford, TX 77477

LISTED QUALIFIED INDIVIDUAL:

William B. Crist

LICENSE NUMBER: 10846-U

VIOLATION(S): Violated General Statute 87-47 (a1) (1), (2), (3), (5), (7) and Board Rule .0402 (b) in that the firm:

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

1. used personnel who were not bona-fide (IRS Form W-4, IRS Form W-2) employees of the firm;
2. relocated the North Carolina branch office without notifying the North Carolina Board of Examiners of Electrical Contractors within thirty days after relocating the business.

BOARD ACTION: The Board, acting through its staff, proposed a reprimand and a civil penalty of one thousand dollars (\$1,000.00) and two (2) year probation, with one (1) year suspension of license and the right to serve as a listed qualified individuals on any license issued by the Board in the event of failure to comply with the following conditions:

- (a) No further violation of the General Statutes or the Rules of the Board during the period of probation; and
- (b) have written contracts or proposals signed by licensee and customer for all projects over \$100.00 for which licensee is responsible; and
- (c) obtain permits as required for each contract prior to commencement of work, retain a copy of the permit in job file for each particular installation and assure that a final inspection has been performed by the Local Code Enforcement official for each installation; and
- (d) maintain job files or other written records of contracts made and installations performed; and
- (e) utilize no personnel on any job except; persons receiving a IRS Form W-2 and IRS Form W-4 from the licensee or use a labor supplier such as Manpower, Tradesman, Work Force, etc.; and
- (f) subcontract no jobs to other licensed electrical contractors; and
- (g) take steps to assure that a person holding qualification license from Board visits every job prior to every inspection request; and
- (h) maintain records detailing and documenting compliance with the provisions of this probation order which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board.

There was no objection from the licensee and the Board concurred in the action of staff.

EFFECTIVE DATE: June 25, 2009

CASE FILE NUMBER: 2009-63

LICENSEE: Progressive Electric of Greenville LLC

ADDRESS: P.O. Box 8187, Greenville, NC 27835

LISTED QUALIFIED INDIVIDUAL:

Mike T. Patchkofsky

LICENSE NUMBER: 26696-U

VIOLATION(S): Violated General Statute 87-47 (a1) (2), (3), (5), (7) and Board Rule .0306, .0907 (C) and .0908 (C) in that the firm:

- (1) Progressive Electric of Greenville LLC has used workers to engage in electrical contracting work that were not bona fide employees of the firm; and
- (2) allowed unlicensed persons that were not bona fide employees of Progressive Electric of Greenville LLC to engage in electrical contracting work at the Copper Beech Townhomes in Greenville, NC.; and
- (3) has been warned by the local electrical inspection department on multiple occasions about poor electrical installations and excessive amount of electrical re inspections; and
- (4) was found to be responsible for poor electrical installation work and electrical code violations during a pre-final electrical inspection of Building #1, 2101 Silver Maple Lane, Copper Beech Townhomes Greenville, NC.

BOARD ACTION: The Board, acting through its staff, proposed a reprimand and a civil penalty of one thousand dollars (\$1,000.00) and two (2) year probation, with one (1) year suspension of license and the right to serve as a listed qualified individuals on any license issued by the Board in the event of failure to comply with the following conditions:

- (a) No further violation of the General Statutes or the Rules of the Board during the period of probation; and
- (b) have written contracts or proposals signed by licensee and customer for all projects over \$100.00 for which licensee is responsible; and
- (c) obtain permits as required for each contract prior to commencement of work, retain a copy of the permit in job file for each particular installation and assure that a final inspection has been performed by the Local Code Enforcement official for each installation; and
- (d) maintain job files or other written records of contracts made and installations performed; and
- (e) utilize no personnel on any job except; persons receiving a IRS Form W-2 and IRS Form W-4 from the licensee or use a labor supplier such as Manpower, Tradesman, Work Force, etc.; and
- (f) take steps to assure that a person holding qualification from the Board visit every job prior to all inspection request; and
- (g) subcontract no jobs to other licensed electrical contractors; and

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

(h) maintain records detailing and documenting compliance with the provisions of this probation order which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board.

There was no objection from the licensee and the Board concurred in the action of staff.

EFFECTIVE DATE: June 25, 2009

ORDERS

CASE FILE NUMBER: 2006-176

LICENSEE: Richard's & Son Electrical Service

ADDRESS: 214 Windsor Drive
Angier, NC 27501

LISTED QUALIFIED INDIVIDUAL:

Richard Alexander Cratch, III

LICENSE NUMBER: 10809-U

ISSUE(S): Request for Reconsideration:

1. An Order was issued by the Board on June 21, 2007, placing the license of Respondent on probation for a period of two years. The Order was a Consent Order and at that time Respondent was represented by counsel.
2. Respondent has failed to comply with sub-paragraph 2(g) of the Order which required Respondent to enroll in and pass the Board Disciplinary Business Class offered by Continuing Education Services, LLC or a class of equal depth approved by the Board.
3. Respondent requested reconsideration and relief from that provision.
4. During the hearing, Respondent withdrew his request, upon hearing there was an upcoming class being offered in June 2009.

BOARD ACTION: The Disciplinary Committee recommended:

The Respondent be allowed to withdraw his Motion for Reconsideration and that the terms of the June 21, 2007 Order remain in force and Respondent be directed to comply with that Order.

There was no objection from Mr. Richard Alexander Cratch, III and the Recommended Order was approved by the Board as a Final Order June 25, 2009.

EFFECTIVE DATE: June 25, 2009

CASE FILE NUMBER: 2007-169

LICENSEE: It's Electric

ADDRESS: 3081 Prytania Road
Winston Salem, NC 27106

LISTED QUALIFIED INDIVIDUAL:

Jerry Milton Haynie

LICENSE NUMBER: 24487-L

VIOLATION(S): Allegations of incompetence and misconduct in that:

1. On or about January 18, 2007, Respondent contracted to perform electrical contracting work at Calvary Kingdom Fellowship Church located at 4175 Moat Drive, Winston-Salem, North Carolina. Respondent entered into a contract on or about January 18, 2007 and had obtained \$20,000.00 of the \$23,000.00 contract amount by February 10, 2007.
 2. Respondent failed to apply for a permit until February 9, 2007, after he had begun installation of the electrical system, in violation of the North Carolina State Building Code;
 3. Plans were not approved by the City until March 7, 2007, and work was not to proceed without approved plans;
 4. Respondent engaged in an electrical contracting project having a project value, as measured by the rule quoted hereafter, in excess of the \$25,000.00 limitation of his license.
 5. The necessary equipment, fixtures and additional material ran the \$23,000 contract beyond \$25,000.
 6. Respondent:
 - (a) failed to complete the electrical project in a timely manner and abandoned the project resulting in the need to hire another electrical contractor to complete the project at an additional cost;
 - (b) had multiple failed inspections due to code violations and incomplete work and had not passed the entire rough-in inspection as of May 31, 2007;
 - (c) failed to install wiring in accordance with the North Carolina State Electrical Code, N.F.P.A. 70 National Electrical Code;
 - (d) operated in names other than that licensed by the Board, including It's Electrical Contractors, Inc., It's Electric Electrical Contractors, Reliable Service Plus, Inc. and Jerry Haynie.
- BOARD ACTION:** Based upon the foregoing Findings of Fact and Conclusions of Law, the Board ORDERED:
The license of Respondent firm, It's Electric, and the status of Respondent Jerry Milton Haynie as a qualifying individual are permanently revoked.
- EFFECTIVE DATE:** January 29, 2009
Mr. Haynie has appealed to Superior Court.

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

CASE FILE NUMBER: 2008-93
LICENSEE: Abell Elevator International of North Carolina LLC
ADDRESS: 2471 Hurt Drive
Rocky Mount, NC 27804

LISTED QUALIFIED INDIVIDUAL:
Kent Sterrett Lloyd Jr.
LICENSE NUMBER: 15380-SP-EL

VIOLATION(S):
1. Abell Elevator International, Inc., held license issued in the name of Kent Sterrett Lloyd, Jr., Abell Elevator International, on the qualification of Kent S. Lloyd, Jr.
2. Abell Elevator International held license located at Logan Street in Louisville, Kentucky and renewed annually through October 31, 2005. On August 22, 2005, the license was changed to Abell International of North Carolina LLC. On October 11, 2005, the location was changed to 323 Clifton Street, Suite 10, Greenville, North Carolina.
3. On May 4, 2006 the location and license was changed to Logan Street, Louisville, Kentucky. Since September of 2007 the location has been at 2471 Hurt Drive, Rocky Mount, North Carolina.
4. The Board received a complaint raising questions as to the operations of the firm and supervision of North Carolina installations during a period after the departure of Robert Michael Leonard on February 28, 2008 and before the engagement of David Doss on March 27, 2009.
5. The Respondent has denied any violations of the statutes and rules enforced by the Board and specifically deny any allegation of inadequate supervision. Respondent contends, on the contrary, that Kent Sterrett Lloyd, Jr., has provided supervision of all jobs carried out for which electrical license was required during any relevant time period and specifically from February 28, 2008 through March 27, 2009.
6. At the commencement of the hearing, Respondent and counsel announced to the Board that as a result of discussions at the pre-hearing conference the parties entered into an agreement upon the terms of this Order and submitted the Order to the Board for approval.

BOARD ACTION: Based upon the foregoing Findings of Fact and consent, the Board ORDERED:

1. That the matter be resolved by entry of a censure.
2. That no other action be taken with respect to the matters set forth in the Notice of Hearing in this matter.

EFFECTIVE DATE: April 29, 2009

CASE FILE NUMBER: 2008-144
QUALIFIED INDIVIDUAL:
Hugh Edward Chappellear Jr.
ADDRESS: 4 Forrest Lane
Candler, NC 28715

LICENSE NUMBER: 28192-SP-SFD
ISSUE(S): Request for Reconsideration of prior Consent Order

1. A September 25, 2008 Consent Order approved Respondent’s application for examination subject to a number of conditions and further subject to the directive that a license not be issued for 12 months from September 25, 2008.
2. Respondent presented evidence to document his compliance with the prior Order of the Board and requested that a license be issued sooner than September 25, 2009.
3. Enforcement Coordinator for the Board has confirmed that compliance.
4. Respondent has passed the qualifying examination for the license classification Single Family Detached Residential Dwelling (SP-SFD).
5. Respondent has shown good cause to modify the terms of the September 25, 2008 Order.

BOARD ACTION: The Disciplinary Committee recommended:

1. The SP-SFD license be issued effective upon approval of this final action by the Board.
2. That Respondent’s license be issued subject to a twenty-four (24) month probation.
3. During the period of probation, Respondent shall commit no violation of Article 4, Chapter 87 of the General Statutes or the Rules of the Board. In addition, Respondent shall submit to random drug testing every six (6) months during the term of probation and Respondent shall arrange for release to the staff of the Board the results of any drug testing administered.
4. In the event of violation of terms of the probation, license will be suspended for six (6) months or until the terms of probation have been satisfied. The Board may further impose such additional sanctions as indicated by any new violations of G.S. 87-47.

There was no objection from Mr. Hugh Edward Chappellear Jr. and the Recommended Order was approved by the Board as a Final Order June 25, 2009.

EFFECTIVE DATE: June 25, 2009

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

CASE FILE NUMBER: 2008-148

LICENSEE:

North Carolina Mountain Homes Inc.
d/b/a Baker Electric

ADDRESS: 437 Riverview Drive
Johnson City, TN 37601

LISTED QUALIFIED INDIVIDUAL:

Robert M. Lathrop

LICENSE NUMBER: 25625-L

VIOLATION(S):

1. Respondent, North Carolina Mountain Homes, Inc., d/b/a Baker Electric, (Baker Electric) operates an electrical contracting business in Franklin, North Carolina. Franklin, North Carolina is approximately 15 miles from the Georgia border.
2. At the time of this complaint, Matthew Baker, the principal in Baker Electric, was not a Qualified Individual. The qualifier for Baker Electric was Robert Lathrop, the Respondent. Robert Lathrop lives and operates a business in Johnson City, Tennessee, nearer to Boone, North Carolina and the state of Virginia, than to Franklin, North Carolina.
3. Mr. Lathrop has his business address in Johnson City, Tennessee and a second address in Ocala, Florida.
4. Respondent Lathrop was personally acquainted with Matthew Baker, and personally convinced of the technical ability of Matthew Baker.
5. Respondent developed the personal opinion that Matthew Baker was being delayed in being approved to take the examination administered by the Board, despite the ability of Mr. Baker to present W-2 forms as evidence of employment by an electrical contractor.
6. Respondent Lathrop created an arrangement whereby his license qualification was placed in the name of his firm, North Carolina Mountain Homes, Inc., which then did business as Baker Electric, becoming the business entity of Matthew Baker.
7. On-site supervision of the work of Baker Electric by Respondent Lathrop was sporadic and occasional, in contrast with regular.
8. Respondent was committed to other employment in Johnson City, Tennessee during the time when Baker Electric was engaged in business as an electrical contractor several hours away from Johnson City, Tennessee.
9. The practice of the Board in insisting on evidence superior to an IRS form W-2 as a means to document work experience is due to the need of the board to document and corroborate the nature of the experience obtained, inasmuch as employment as a stenographer,

supply clerk, driver or custodian is not sufficiently useful as training to become an electrical contractor, even when obtained while an employee of an electrical contracting firm.

10. Subsequent to the commencement of this proceeding, Matthew Baker has obtained license and Respondent Lathrop has severed his connection to Baker and allowed his license to expire.

11. Respondent Lathrop and North Carolina Mountain Homes did not accept the Notice of Violation proposed in the field and objected to the Recommended Order resulting from appearance before the Disciplinary Committee. Accordingly, the matter was heard de novo by the Board.

BOARD ACTION: Based upon the foregoing Findings of Fact, the Board ORDERED:

1. That the Respondent, Robert M. Lathrop and North Carolina Mountain Homes d/b/a Baker Electric, pay to the Board a civil penalty of \$1,000.00, within ten (10) days of the execution of this Order.
2. The Board will not renew license of the firm or Robert M. Lathrop, qualifier, until proof is received by the Board that the \$1,000.00 penalty has been paid.
3. After payment of the penalty above, and renewal of license, the license and the qualifications of Respondent Lathrop is placed on probation for a period of twenty-four (24) months, during which time Respondent shall comply with the following terms and conditions:
 - (a) have written contracts signed by the Respondent and customer for each installation in excess of \$100.00 for which Respondent is responsible;
 - (b) obtain permits as required for each contract prior to commencement of work;
 - (c) maintain a job file for each job, containing the records of that project, including a copy of the contract and permit;
 - (d) request inspection within 10 days of substantial completion, as to both the rough-in and final stage of the project;
 - (e) maintain a service log of all contracts and service calls by date of initial call and including the date of first response;
 - (f) commit no violation of Article 4, Chapter 87 of the General Statutes or the Rules of the Board;
 - (g) during the period of probation, Respondent shall submit quarterly reports documenting his compliance with the provisions of this probation order by sending them directly to the Board's office; and,

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

5. During the period of probation, the foregoing records and the contracting activities of the Respondent shall be monitored by the staff of the Board.

6. In the event of violation of terms of this Order, this Order may be entered into evidence together with evidence of any such violation and license and qualification will be revoked.

7. Board staff is directed to provide a copy of this Order to the administrative agency which licenses electrical contractors in the state of Tennessee.

EFFECTIVE DATE: June 13, 2009

CASE FILE NUMBER: 2008-203

LICENSEE: Avon Cottages Ltd.

ADDRESS: Rt. 12 Box 7 Avon Cottages
Avon, NC 27915

LISTED QUALIFIED INDIVIDUAL:

Earl Stanley Younce Jr.

LICENSE NUMBER: 17459-L

VIOLATION(S): Violation of North Carolina General Statute 87-47 (a1), (7) in that:

1. Respondent entered into a contract to install an electrical system at Berkley Manor Docks located at Ocracoke, N.C., under contract with Michael Patrick Nolan, Developer. In the course of the contract, Respondent:

(a) failed to obtain permits in violation of the North Carolina State Building Code;

(b) failed to comply with a Stop Work Order issued by the local Code Enforcement Official;

(c) installed all electrical service equipment below high water datum point;

(d) installed all 3 panels, 200 ampere electrical service equipment conductors and all 200 ampere electrical service riser conductors using 2/0 copper;

(e) installed 240/120 volt three wire circuits with reduced neutral conductors (no load calculations);

(f) buried Type UF circuit conductors approximately two inches;

(g) electrical PVC conduits were buried approximately two inches;

(h) joined electrical PVC conduits with 45 degree PVC plumbing fittings;

(i) installed exterior mounted electrical PVC conduits without expansion fittings;

(j) electrical PVC junction boxes were inaccessible in that the access openings were mounted under pier walkway approximately one-half inch from pier walkway;

(k) PVC junction boxes installed under walkway were not watertight;

(l) used branch circuit copper #6 conductors with red colored insulation for all neutral conductors and equipment ground conductors supplying electrical power to pier mounted pedestals;

(m) installed low voltage wiring and communication wiring in conduits with 240/120 volts electrical wiring; and

(n) failed to provide adequate supervision and direction.

2. A proposed resolution was discussed between Board staff and the Respondents. The proposed resolution was presented to the Disciplinary Committee at its meeting November 12, 2008. The recommendation of staff was rejected by the Committee and the Committee directed issuance of a Notice of Hearing and Summary Suspension.

BOARD ACTION: The Disciplinary Committee heard the matter January 7, 2009 and recommended:

1. That the license of Respondent firm and the status of Respondent, Earl Stanley Younce, Jr., as a qualifying individual be suspended for a period of twelve (12) months.

2. That the period of suspension be treated as having begun on November 21, 2008.

3. That upon completion of the period of suspension the Respondent's license to engage in business as an electrical contractor be placed on probation for a period of two (2) years.

4. During the period of probation, Respondent shall comply with the following conditions of probation:

(a) have written contracts or proposals signed by the licensee and customer for each installation for which licensee is responsible;

(b) obtain permits as required for each contract prior to commencement of work, retain a copy of the permit in the job file for each particular installation and assure that a final inspection has been performed by the Local Code Enforcement Official for each installation;

(c) maintain job files or other written records of contracts made and installations performed;

(d) maintain records detailing and documenting his compliance with the provisions of this probation order which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board; and

(e) commit no violation of Article 4, Chapter 87 of the General Statutes or the Rules promulgated by the Board.

5. In the event of violation of terms of the probation, license will be revoked for a minimum of three (3) years and thereafter until Respondent appears before the Board

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

in person. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-47.

6. In imposing the foregoing sanction, the Board took note that the Respondent has taken and passed Level 1 Electric Code Course and the Disciplinary Business Course during the pendency of this matter.

There was no objection from Mr. Earl Stanley Younce and the Recommended Order was approved by the Board as a Final Order on February 26, 2009.

EFFECTIVE DATE: February 26, 2009

CASE FILE NUMBER: 2008-219

LICENSEE: Industrial Contracting Unlimited

ADDRESS: 11661 X-Way Rd.

Laurinburg, NC 28352

LISTED QUALIFIED INDIVIDUAL:

Paul Warren Sullivan III

LICENSE NUMBER: 19443-U

VIOLATION(S): Mr. Sullivan requested reinstatement of license which had been previously suspended based on G.S. 110-142.1, which requires suspension when a licensee is not in compliance with a child support court order. The Disciplinary Committee of the Board heard the matter and found that:

1. Respondent has now, after much delay, presented evidence to support his compliance with the child support requirements as documented and enforced by the Child Support Enforcement Division of the North Carolina Department of Health and Human Services.
2. Respondent failed to respond to communications from the Board's staff.
3. Respondent admitted he refused to accept registered mailings from the Board's staff.
4. G.S. 87-47 prohibits engaging in misrepresentation to obtain or renew a license and allows the Board to administer penalties including revocation, suspension and probation for violations of that rule.
5. Respondent misrepresented facts to the Board's staff with regards to his compliance efforts and response to the demands of the Child Support Enforcement Division, and did so with the intent to maintain and renew his license.

BOARD ACTION: The Disciplinary Committee recommended:

1. The license of Respondent be reinstated effective upon final action by the Board, conditioned on:
 - (a) a twenty-four (24) month period of probation;
 - (b) payment of all license fees and late renewal fees prior to reinstatement of the license; and

(c) remaining current with all child support obligations.

2. In the event of a violation of any of the terms of this Order, license and qualifications shall be revoked for a minimum of twenty (24) months. The Board may also impose such additional sanctions as indicated by any new violations of G.S. 87-47.

There was no objection from Mr. Paul Warren Sullivan III and the Recommended Order was approved by the Board as a Final Order June 25, 2009.

EFFECTIVE DATE: June 25, 2009

CASE FILE NUMBER: 2008-268

LICENSEE: Godfrey Electrical Service Inc.

ADDRESS: 1006D Winsor Place

Kitty Hawk, NC 27949

LISTED QUALIFIED INDIVIDUAL:

Ozzie Roy Godfrey

LICENSE NUMBER: 08204-L

ISSUE(S):

1. A Notice of Violation was issued on September 25, 2008, placing a written warning on the license record of Respondent, ordering him to pay a \$500.00 civil penalty and placing the license of Respondent on probation for a period of two (2) years.

2. Respondent undertook to perform electrical contracting work consisting of new electrical work for the top floor at 4526 North Virginia Dare Trail at Kitty Hawk, North Carolina, belonging to Peter Pinto. The building permit was issued on October 14, 2008. In the course of work on the project, Respondent:

(a) failed to obtain a permit prior to beginning installation; and

(b) failed to obtain inspections as required.

3. In July 2007, Respondent undertook to perform electrical contracting work consisting of new electrical rough-in, installation of new light fixtures and new appliance circuits on property located 110 Osprey Ridge Road, at Duck, North Carolina, belonging to Peter Pinto. Additional work was done in 2008. In the course of work on the project, Respondent:

(a) failed to obtain a permit prior to beginning installation, and did not acquire required permit until January 2009; and

(b) failed to obtain inspections as required.

4. The Committee concluded that licensee, Ozzie Godfrey, did in fact perform work on two projects above, without first obtaining required permits. The Committee further concludes that the period during which this occurred was prior to the signing and

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

acceptance by the Board of a probation order commencing on September 25, 2008 and continuing for 24 months. However, had the evidence for the Kitty Hawk and Duck projects been uncovered during the original investigation, the prior sanction would have been more severe.

BOARD ACTION: The Disciplinary Committee recommended:

1. That the license of Respondent firm and the status of Respondent Ozzie Roy Godfrey as a qualifying individual remain on probation for two years as provided by the September 25, 2008, probation order.

2. During the period of probation, Respondent shall comply with the following conditions of probation:

- (a) have written contracts or proposals signed by the licensee and customer for each installation for which licensee is responsible;
- (b) obtain permits as required for every contract or project prior to commencement of work, retain a copy of the permit in the job file for each particular installation and assure that a final inspection has been performed by the Local Code Enforcement Official for each installation;
- (c) maintain job files or other written records of contracts made and installations performed;
- (d) maintain records detailing and documenting his compliance with the provisions of this probation order which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board; and
- (e) commit no violation of Article 4, Chapter 87 of the General Statutes or the Rules promulgated by the Board.

3. In the event of violation of terms of the probation, license will be suspended for one (1) year. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-47.

There was no objection from Mr. Godfrey and the Recommended Order was approved by the Board as a Final Order June 25, 2009.

EFFECTIVE DATE: June 25, 2009

CASE FILE NUMBER: 2008-272

LICENSEE: Edward Scott Parrish

ADDRESS: 295 Groves Point Circle
Hampstead, NC 28443

LISTED QUALIFIED INDIVIDUAL:

Edward Scott Parrish

LICENSE NUMBER: 20829-L

VIOLATION(S): Violation of North Carolina General Statute 87-47 (a1), (5) in that:

Respondent, Edward Scott Parrish, electrical qualifier of Coastal Home Services, Inc., listed his qualification in the name of Coastal Home Services, Inc., for purposes of operation a branch office at Surf City, North Carolina. Because Coastal had an unlimited license, any branch office was required to have a qualifier with an unlimited qualification. Respondent held a limited license qualification.

BOARD ACTION: The Disciplinary Committee recommended:

1. That the license and the status of Respondent, Edward Scott Parrish, as a qualifying individual be placed on probation for a period of twenty-four (24) months.

2. During the period of probation, Respondent shall comply with the following conditions of probation:

- (a) have written contracts or proposals signed by the licensee and customer for each installation for which licensee is responsible;
- (b) obtain permits as required for each contract prior to commencement of work, retain a copy of the permit in the job file for each particular installation and assure that a final inspection has been performed by the Local Code Enforcement Official for each installation;
- (c) maintain job files or other written records of contracts made and installations performed;
- (d) use no personnel on any job except persons receiving an IRS W-2 Form and IRS W-4 Form or persons who are employees of both Respondent and a labor supplier such as Manpower, etc.;
- (e) use only IRS Form W-2 and W-4 employees as qualifiers, job superintendents or foremen;
- (f) contract no jobs over the qualification of Respondent or any firm or branch employing Respondent;
- (g) take steps to assure that a person holding proper qualification license from Board visit every job prior to every inspection request;
- (h) maintain records detailing and documenting his compliance with the provisions of this probation order which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board; and
- (i) commit no violation of Article 4, Chapter 87 of the General Statutes or the Rules promulgated by the Board.

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

3. In the event of violation of terms of the probation, the Board may impose suspension or such additional sanctions as indicated by any new violations of G.S. 87-47.

There was no objection from Mr. Edward Scott Parrish and the Recommended Order was approved by the Board as a Final Order on February 26, 2009.

EFFECTIVE DATE: February 26, 2009

CASE FILE NUMBER: 2008-273

LICENSEE: Power Source Electric Inc

ADDRESS: 540 Hinnant Road NW
Pikeville, NC 27863

LISTED QUALIFIED INDIVIDUAL:

Nathan Ray Lane

LICENSE NUMBER: 23238-L

VIOLATION(S): Violation of North Carolina General Statute 87-47 (a1) (1) and (7) in that:

1. Respondent Nathan Ray Lane, d/b/a, Power Source Electric, Inc., held a limited license from the Board.
2. Respondent, Nathan Ray Lane, d/b/a, Power Source Electric, Inc., undertook to perform electrical contracting work on property located at 4070 US 70 Hwy. East, Goldsboro, North Carolina, at the Country View Western Store and contracted a job with a project value of \$68,500.00 when the project limit for a limited license was \$40,000.00.
3. Respondent solicited Kenneth Wadsworth to peddle his license and buy the permit for this project.

BOARD ACTION: The Disciplinary Committee recommended:

1. That a reprimand be entered on the license record of Respondent, Nathan Ray Lane.
2. That the Board impose a civil penalty of \$500.00 upon the licensee.
3. That the license of Respondent firm and the status of Respondent, Nathan Ray Lane as a qualifying individual, be placed on probation for a period of one (1) year.
4. During the period of probation, Respondent shall comply with the following conditions of probation:
 - (a) have written contracts or proposals signed by the licensee and customer for each installation for which licensee is responsible;
 - (b) obtain permits as required for each contract prior to commencement of work, retain a copy of the permit in the job file for each particular installation and assure that a final inspection has been performed by the Local Code Enforcement Official for each installation;
 - (c) maintain job files or other written records of contracts made and installations performed;

(d) by December 31, 2009, enroll in and pass the Contractor Business Class offered by Umpire Technologies Group, Inc., and present evidence to the Board of a passing grade;

(e) maintain records detailing and documenting his compliance with the provisions of this probation order which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board; and

(f) commit no violation of Article 4, Chapter 87 of the General Statutes or the Rules promulgated by the Board.

5. In the event of violation of terms of the probation, license will be revoked for a minimum of one (1) year. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-47.

There was no objection from Mr. Nathan Ray Lane and the Recommended Order was approved by the Board as a Final Order on February 26, 2009.

EFFECTIVE DATE: February 26, 2009

CASE FILE NUMBER: 2008-289

EXAM APPLICANT: Billy Ray Branks

ADDRESS: 128 Kristilia Lane
Hendersonville, NC 28739

VIOLATION(S): Violation of North Carolina General Statute 87-47 (a1) (4) and (5) in that:

1. Respondent submitted application to sit for examination as an electrical contractor.
2. The application was deferred pending review by the Committee as to criminal conduct.
3. The Board staff presented evidence of multiple incidents, infractions and a substantial record of criminal convictions.
4. Applicant presented evidence of circumstances of the convictions and evidence of his efforts to alter prior patterns of behavior.

BOARD ACTION: The Disciplinary Committee recommended:

1. That the applicant be permitted to take the examination six (6) months after the end of the court-ordered probation period, which is now scheduled to end March 30, 2009.
2. Upon successfully passing an examination and obtaining license, Respondent's license shall be placed on probation for a period of twenty-four (24) months.
3. The condition of the probation is no violation of Article 4, Chapter 87 of the General Statutes or the Rules of the Board and no misdemeanor or felony conviction other than minor traffic offenses between this date and the end of the Board probation.

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

4. In the event of violation of the probation order, the consequence will be revocation.

There was no objection from Mr. Billy Ray Branks and the Recommended Order was approved by the Board as a Final Order February 9, 2009.

EFFECTIVE DATE: February 9, 2009

CASE FILE NUMBER: 2008-292

EXAM APPLICANT: Gary Wayne Tew

ADDRESS: 319 Williamstown Lane
Coats, NC 27521

ISSUE(S): Application for Examination:

1. On or about October 10, 2008, Applicant submitted an Application for Examination in the Limited classification and an Employer Statement Form signed by Bobby L. Hartsfield. The employer statement indicated that the employer was Hartsfield Electric when in fact, the applicant had been employed at North Carolina State University and never at Hartsfield Electric.

2. The experience represented by the Applicant inaccurately stated the nature, extent and capacity in which applicant gained experience.

BOARD ACTION: The Disciplinary Committee heard from the Applicant and recommended:

1. That the Application for Examination of Gary Wayne Tew be denied.

2. The Board shall not accept an application from Applicant for a minimum period of two (2) years.

3. Applicant must submit records to validate actual time working as a maintenance electrician over and above the submissions of a number of hours on the Board form Appendix C.

There was no objection from Mr. Gary Wayne Tew and the Recommended Order was approved by the Board as a Final Order on February 26, 2009.

EFFECTIVE DATE: February 26, 2009

CASE FILE NUMBER: 2008-310

LICENSEE: 704 Electric

ADDRESS: 1600 Northwind Pl, Apt 206
Charlotte, NC 28210

LISTED QUALIFIED INDIVIDUAL:

Oscar A. Montesdeoca

LICENSE NUMBER: 26898-L

VIOLATION(S): Violation of North Carolina General Statute 87-47 (a1) (2), (3), (7) and the Rules of the Board in that;

1. During September 2008, Sergey Kholod, doing business as Surge Electric, undertook to perform electrical contracting work on property at 8569 Lower Rocky River Road, Concord, North Carolina, belonging to Sherry Huepper. At the time of work on the project Respondent:

(a) allowed Sergey Kholod to perform electrical contracting work on the project without being a bona fide employee of his firm;

(b) aided and abetted Sergey Kholod, an unlicensed individual, to engage in the business of electrical contracting without a license;

(c) failed to provide adequate supervision and direction of electrical contracting work performed by Sergey Kholod;

(d) allowed Sergey Kholod to use Respondent's license.

BOARD ACTION: The Disciplinary Committee recommended:

1. That the license of Respondent firm and the status of Respondent Oscar A. Montesdeoca, as a qualifying individual be suspended for a period of twelve (12) months.

2. That the Respondent pay a civil penalty of \$1,000.00 prior to the end of the period of suspension.

3. During the period of suspension Respondent shall take and pass the Contractor Disciplinary Business Class conducted by Umpire Technology.

4. During the period of suspension, Respondent shall be allowed to complete two jobs consisting of one house and one room addition already under contract and permitted, and present documentation to the Board that the installations have passed final inspection.

5. During the period of suspension Respondent shall assure completion of the job carried out by Sergey Kholod at 8569 Lower Rocky River Road, Concord, NC at no cost to the consumer and that the final inspection of the job has been obtained and passed.

6. That upon completion of the period of suspension and compliance with the conditions set out above, Respondent's license to engage in business as an electrical contractor shall be reinstated and placed on probation for a period of twenty-four (24) months.

7. During the period of probation, Respondent shall comply with the following conditions of probation:

(a) have written contracts or proposals signed by the licensee and customer for each installation for which licensee is responsible;

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

- (b) obtain permits as required for each contract prior to commencement of work, retain a copy of the permit in the job file for each particular installation and assure that a final inspection has been performed by the Local Code Enforcement Official for each installation;
- (c) maintain job files or other written records of contracts made and installations performed;
- (d) obtain no permits except for jobs where Respondent is the contractor, perform the work and receives all contracted payments;
- (e) maintain records detailing and documenting his compliance with the provisions of this probation order which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board; and
- (f) commit no violation of Article 4, Chapter 87 of the General Statutes or the Rules promulgated by the Board.

8. In the event of violation of terms of the probation, license will be suspended for two (2) years. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-47.

There was no objection from Mr. Oscar A. Montesdeoca and the Recommended Order was approved by the Board as a Final Order June 25, 2009.

EFFECTIVE DATE: June 25, 2009

CASE FILE NUMBER: 2008-312
LICENSEE: Coastal Home Services Inc
ADDRESS: 4906 Bridges Street
Morehead City, NC 28557

BUSINESS OWNERS

Ronnie L. Perry and Sammy Brooks

LICENSE NUMBER: 20829-L

VIOLATION(S):

1. Coastal Home Services, Inc., Ronnie L. Perry, Sammy E. Brooks, and Anson Jacobs matters were consolidated for the hearing in question by the Committee. A separate order was issued as to Anson Jacobs.
2. Respondent, Coastal Home Services, Inc., is a licensee of the Board. Ronnie L. Perry and Sammy E. Brooks are officers in Coastal Home Services, Inc., but do not hold license qualifications.
3. Anson Jacobs, operated a business known as Carteret Electrical Service. Jacobs became a full-time employee of Coastal Home Services, Inc. and was paid as such virtually all of 2008.

4. Respondent Coastal submitted a bid on behalf of Coastal Home Services, Inc. for work requiring an unlimited license at a time when Jacob's qualification was listed in Carteret Electrical Service. Jacobs subsequently listed his qualifications in Coastal Home Services, Inc.

5. Coastal bid work requiring unlimited electrical license without proper license.

6. Coastal Home Services, Inc operated a branch office in Surf City without proper license.

7. As a licensee Coastal is subject to discipline separate from any imposed on the qualified individual.

BOARD ACTION: Based upon the foregoing Findings of Fact, the Board ORDERED:

That the respondent, Coastal Home Services, inc., pay to the Board a civil penalty of \$1000.00 , within ten (10) days of the execution of the Order.

EFFECTIVE DATE: April 30, 2009

CASE FILE NUMBER: 2008-312

LICENSEE: Coastal Home Services Inc

ADDRESS: 4906 Bridges Street
Morehead City, NC 28557

LISTED QUALIFIED INDIVIDUAL:

Anson Jacobs

LICENSE NUMBER: 05915-U

VIOLATION(S): Violation of North Carolina General Statute 87-47 (a1) (1), (6) and (7) and the Rules of the Board in that;

1.The Coastal Home Services, Inc., Ronnie L. Perry, Sammy E. Brooks, Edward Scott Parrish and Anson Jacobs matters were consolidated for the hearing in question by the Committee.

2. Respondent, Anson Jacobs, operated a business known as Carteret Electrical Service.

3. Respondent became a full-time employee of Coastal Home Services, Inc. and was paid as such virtually all of 2008

4. Respondent submitted a bid on behalf of Coastal Home Services, Inc. for work requiring an unlimited license at a time when his qualification was listed in Carteret Electrical Service. Respondent subsequently listed his qualifications in Coastal Home Services, Inc.

5. Board staff produced certified records tending to prove that Respondent continued work under both Carteret Electrical Service and Coastal Home Services, Inc. throughout 2008.

BOARD ACTION: The Disciplinary Committee recommended:

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

1. That the license of Respondent firm and the status of Respondent, Anson Jacobs, be revoked for a period of one (1) year.

2. After completion of the period of revocation and reinstatement of qualification, the Respondent Jacobs and any firm in which he places his qualification is placed on probation for a period of twenty-four (24) months.

3. During the period of probation, Respondent shall comply with the following conditions of probation:

- (a) have written contracts or proposals signed by the licensee and customer for each installation for which licensee is responsible;
- (b) obtain permits as required for each contract prior to commencement of work, retain a copy of the permit in the job file for each particular installation and assure that a final inspection has been performed by the Local Code Enforcement Official for each installation;
- (c) maintain job files or other written records of contracts made and installations performed;
- (d) use no personnel on any job except:
 - (1) persons receiving an IRS W-2 Form and IRS W-4 Form;
 - (2) an employee of both Respondent and a labor supplier such as Manpower, etc.;
 - (3) Form W-2 and W-4 employees as qualifiers, job superintendents or foremen;
 - (4) subcontract no jobs to other licensed electrical contractors; and
 - (5) take steps to assure that a person holding qualification license from Board visit every job prior to every inspection request;
- (e) maintain records detailing and documenting his compliance with the provisions of this probation order which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board; and
- (f) commit no violation of Article 4, Chapter 87 of the General Statutes or the Rules promulgated by the Board.

4. In the event of violation of terms of the probation, the Board may impose suspension or revocation of license.

Anson Jacobs requested consideration of the matter *de novo* by a majority of the Board. Thereafter, Respondent

withdrew the request and asked that the Board approve the Recommended Order. The Recommended Order was approved by the Board as a Final Order on May 6, 2009.

EFFECTIVE DATE: May 6, 2009

CASE FILE NUMBER: 2008-318

LICENSEE: Hartsfield's Electrical Service

ADDRESS: 405 Sixth Street

Wake Forest, NC 27587

LISTED QUALIFIED INDIVIDUAL:

Bobby Lee Hartsfield

LICENSE NUMBER: 21956-L

VIOLATION(S): Violation of North Carolina General Statute 87-47 (a1 (5) and the Rules of the Board in that;

1. On or about October 6, 2008, Bobby L. Hartsfield signed an Employer Statement Form for Gary Wayne Tew to submit with an Application for Examination in the Limited classification. The Employer Statement form represented that the Applicant had obtained experience as an employee of Hartsfield Electric.

2. The Applicant has never been an employee of Hartsfield Electric, the facts being that both Respondent and Tew are employees of North Carolina State University.

3. The misstatements were not accidental.

4. Applicants for examination are required to submit evidence of experience consistent with provisions of Rule 21 NCAC 18B.0201 and Rule 21 NCAC 18B.0202.

BOARD ACTION: The Disciplinary Committee recommended:

1. That a letter of reprimand be entered on the license record of Respondent, Bobby L. Hartsfield.

2. That the license of Respondent firm and the status of Respondent, Bobby L. Hartsfield, as a qualifying individual be placed on probation for a period of two (2) years.

3. During the period of probation, Respondent shall comply with the following conditions of probation:

(a) have written contracts or proposals signed by the licensee and customer for each installation for which licensee is responsible;

(b) obtain permits as required for each contract prior to commencement of work, retain a copy of the permit in the job file for each particular installation and assure that a final inspection has been performed by the Local Code Enforcement Official for each installation;

(c) maintain job files or other written records of contracts made and installations performed;

(d) maintain records detailing and documenting his compliance with the provisions of this probation order

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board; and

(e) commit no violation of Article 4, Chapter 87 of the General Statutes or the Rules promulgated by the Board.

4. In the event of violation of terms of the probation, license will be suspended for one (1) year, together with such additional sanctions as indicated by any new violations of G.S. 87-47.

There was no objection from Mr. Hartsfield and the Recommended Order was approved by the Board as a Final Order on February 26, 2009.

EFFECTIVE DATE: February 26, 2009

CASE FILE NUMBER: 2008-319

LICENSEE: Duraleigh Electric Service LLC

ADDRESS: P. O. Box 959
Youngsville, NC 27596

LISTED QUALIFIED INDIVIDUAL:

Timothy Clay Williams

LICENSE NUMBER: 19450-U

VIOLATION(S):

1. The Respondent objected to the Recommended Order issued by the Disciplinary Committee and requested to be heard de novo by the Board.

2. During June 2008 Respondent entered into a contract to install an electrical system at McDonald's restaurant located at 2900 Wendell Boulevard, Wendell, N.C. The work was carried out by persons who received a 1099 from Respondent.

3. The 1099 documents expressly represent that the recipient is not an employee of the Respondent.

4. The evidence presented makes clear the practice of utilizing non-employees by Respondent and his firm progressed from non-existent to the first 30 days of work by a future employee to an ongoing and repeated pattern.

5. The evidence establishes that a consequence of the use of non-employees by Respondent was high turnover and low levels of experience on the job.

6. There was testimony that the Respondent's actual on-site supervision was occasional.

7. Board rule 21 NCAC 18B .0907 requires that work done pursuant to a license be carried out by bona fide employees of the licensee. Only by being a bona fide employee of a licensee can a person avoid the legal obligation to be a licensee of the Board before doing work which requires a license.

8. The purpose of the "bona fide employee" requirement is to minimize license-peddling and to assure the adequacy of supervision for protection of the consumer.

9. The occasional supervision by Respondent and high turnover in the work force adds to the risk that poor work will not be observed and corrected.

BOARD ACTION: Based upon the foregoing Findings of Fact, the Board ORDERED:

1. That the license of Respondent firm and the status of Respondent, Timothy Clay Williams, as a qualifying individual be placed on probation for a period of six (6) months. During this period of probation, Respondent shall comply with the following terms and conditions:

(a) have written contracts signed by the Respondent and customer for each installation in excess of \$100.00 for which Respondent is responsible;

(b) obtain permits as required for each contract prior to commencement of work;

(c) maintain a job file for each job, containing the records of that project, including a copy of the contract and permit;

(d) request inspection within 10 days of substantial completion, as to both the rough-in and final stage of the project;

(e) maintain a log of all contracts and service calls by date of initial call and including the date of first response;

(f) use no personnel on any job other than persons whose compensation is reported on IRS form W-2 and who are reported as employees to the provider of workers' compensation coverage;

(g) enroll in and pass the Contractor Disciplinary Business Course approved by the Board staff of the State Board of Examiners of Electrical Contractors and present evidence to the Board of a passing grade in such course by the end of probation; this course is in addition to the usual continuing education requirements; and

(h) commit no violation of Article 4, Chapter 87 or the Rules of the Board with regard to any qualification administered by the Board.

2. In the event of violation of terms of this probation order, this Order may be entered into evidence together with evidence of any such violation and the Board may take action including revocation or suspension on account of the violation of this Order as well as for any new violation of Article 4, Chapter 87 of the General Statutes.

3. During the period of probation, the foregoing records and the contracting activities of the Respondent shall be reviewed by the staff of the Board.

EFFECTIVE DATE: June 13, 2009

CASE FILE NUMBER: 2008-321

LICENSEE: Leslie H Perry

ADDRESS: 310 South Dyer St
Elizabeth City, NC 27909

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

LISTED QUALIFIED INDIVIDUAL:

Leslie Hillyer Perry

LICENSE NUMBER: 04822-L

VIOLATION(S): Violation of North Carolina General Statute 87-47 (a1) (2), (3), (7) and the Rules of the Board in that;

1. During 2008, Respondent undertook to perform electrical contracting work at 606 Cedar Street, Elizabeth City, North Carolina. In the course of work on the project, Respondent:

(a) installed four electrical conductors for service entrance conductors in violation of NEC 230.7;

(b) installed three electrical conductors to feed sub panel in violation of NEC 250.24(a)(5); and

(c) connected neutral conductors and equipment ground conductors to same buss bar in sub panel in violation of NEC 250.24(a)(5).

2. During 2008, Respondent undertook to perform electrical contracting work at 780 Trinkaloe Road, Elizabeth City, North Carolina. In the course of work on the project, Respondent:

(a) installed three electrical conductors to feed a sub panel in violation of NEC 250.24(a)(5) and

(b) connected neutral conductors and equipment ground conductors to same buss bar in sub panel in violation of NEC 250.24(a)(5).

3. During 2008, Respondent undertook to perform electrical contracting work at 716 Fleetwood Street, Elizabeth City, North Carolina. In the course of work on the project, Respondent:

(a) used non-employee Ronald Etheridge, to engage in electrical contracting on Mr. Etheridge's rental property and

(b) used non-employee, William Walker, to work in the capacity of a helper.

4. Due to difficulty with the telephone or otherwise, Respondent failed or refused to cooperate with Board staff during the investigation of the above matters.

5. The condition of the Respondent is such that he cannot properly supervise personnel and remain current in new electrical codes.

6. A Notice of Violation was entered by the Board on December 9, 1999, sanctioning Respondent for engaging in the business of electrical contracting with an expired license and failing to obtain a permit.

BOARD ACTION: The Disciplinary Committee recommended:

1. That the license of Respondent firm and the status of Respondent, Leslie H. Perry, as a qualifying individual be revoked.

2. The license of Respondent may be reinstated only after Respondent appears before the Board to present evidence he has:

(a) enrolled in and passed the Level One Electrical Code Class presented by the Code Official Qualification Board;

(b) completed eight (8) hours of continuing education in the past twelve (12) months by attendance at in-person classes.

There was no objection from Mr. Leslie Hillyer Perry and the Recommended Order was approved by the Board as a Final Order June 25, 2009.

EFFECTIVE DATE: June 25, 2009

CASE FILE NUMBER: 2008-323

LICENSEE: Kenneth Sherrill Wadsworth

ADDRESS: 2011 Hwy 117 N. Bypass
Goldsboro, NC 27530

LISTED QUALIFIED INDIVIDUAL:

LICENSE NUMBER: 13106-U

VIOLATION(S): Violation of North Carolina General Statute 87-47 (a1), (2), (3) and (7) in that:

1. Respondent, Nathan Ray Lane, d/b/a, Power Source Electric, Inc., undertook to perform electrical contracting work on property located at 4070 US 70 Hwy. East, Goldsboro, North Carolina, at the Country View Western Store. In the course of work on the project, Respondent, Kenneth Sherrill Wadsworth, d/b/a, Wadsworth Electric Company:

(a) acquired the required electrical permit for the referenced project under Wadsworth Electric Company and allowed Nathan Ray Lane to engage in the project and

(b) aided and abetted Nathan Ray Lane to engage in the business of electrical contracting beyond his limited license limitation.

2. Respondents failed to provide adequate supervision of the business carried out pursuant to his license.

BOARD ACTION: The Disciplinary Committee recommended:

1. That the Board imposed a civil penalty of \$1,000.00 upon the licensee.

2. That the license of Respondent firm and the status of Respondent, Kenneth Sherrill Wadsworth as a qualifying individual, be placed on probation for a period of five (5) years.

3. The conditions of probation are that Respondent:

(a) shall donate the \$950.00 paid to him on the above project to a national non-profit organization and provide proof to the Board of the donation within 30 days from the date of the Final Order in this matter;

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

(b) have written contracts or proposals signed by the licensee and customer for each installation for which licensee is responsible;

(c) obtain permits as required for each contract prior to commencement of work, retain a copy of the permit in the job file for each particular installation and assure that a final inspection has been performed by the Local Code Enforcement Official for each installation;

(d) maintain job files or other written records of contracts made and installations performed;

(e) maintain records detailing and documenting his compliance with the provisions of this probation order which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board; and

(f) commit no violation of Article 4, Chapter 87 of the General Statutes or the Rules promulgated by the Board.

4. In the event of violation of terms of the probation, license will be revoked for a minimum of one (1) year, in addition to other sanctions for any new violations of G.S. 87-47.

There was no objection from Mr. Kenneth Sherrill Wadsworth and the Recommended Order was approved by the Board as a Final Order on February 26, 2009.

EFFECTIVE DATE: February 26, 2009

CASE FILE NUMBER: 2008-327

LICENSEE: Sam Mason Electric LLC

ADDRESS: 7545 Jack Adcock Road
Oxford, NC 27565

LISTED QUALIFIED INDIVIDUAL:

Samuel Hubert Mason

LICENSE NUMBER: 24238-L

VIOLATION(S): Violation of North Carolina General Statute 87-47 (a1) (5), (7) and the Rules of the Board in that;

1. Respondent undertook to perform electrical contracting work at Berea Mini Mart at 1218 Hwy. 158, Oxford, North Carolina, belonging to Mr. Ayoub Saleh and Mr. Abdulghani. In the course of work on the project, Respondent:

(a) failed to obtain a permit prior to beginning installation;

(b) failed to obtain inspections as required even though Respondent has been paid \$4,870.00 and received a warning by local code enforcement official;

(c) failed to complete installation in a timely manner causing owners to lose power and forcing them to hire another contractor to correct and complete the installation.

BOARD ACTION: The Disciplinary Committee recommended:

1. Within 90 days of the date of the approval of the Recommended Order and issuance of the final Order by the Board, Respondent shall submit to the Board a payment schedule as to the timing of reimbursement to the property owners of the sum of \$4,870.00 within 24 months of the date of the final order by the Board.

2. In the event Respondent fails to make payments to the property owners within 24 months consistent with his payment schedule, license will be suspended until the reimbursement is accomplished. In the event license is suspended due to non-payment as outlined above, then the 36 months probation set out in paragraph 3 below shall be extended to 60 months. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-47.

3. That the license of Respondent firm and the status of Respondent Samuel Hubert Mason as a qualifying individual be placed on probation for a period of thirty-six (36) months, effective upon final action by the Board.

4. During the period of probation, Respondent shall comply with the following conditions of probation:

(a) comply with the reimbursement obligation set out in paragraph 1 above;

(b) have written contracts or proposals signed by the licensee and customer for each installation for which licensee is responsible;

(c) obtain permits as required for each contract prior to commencement of work, retain a copy of the permit in the job file for each particular installation and assure that a final inspection has been performed by the Local Code Enforcement Official for each installation;

(d) maintain job files or other written records of contracts made and installations performed;

(e) obtain no more than 2/3 of the initial price of a job prior to passage of final inspection on any project;

(f) maintain records detailing and documenting his compliance with the provisions of this probation order which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board; and

(g) commit no violation of Article 4, Chapter 87 of the General Statutes or the Rules promulgated by the Board. There was no objection from Mr. Samuel Hubert Mason and the Recommended Order was approved by the Board as a Final Order on June 25, 2009.

EFFECTIVE DATE: June 25, 2009

RECENT DISCIPLINARY ACTION TAKEN BY THE BOARD

CASE FILE NUMBER: 2008-351

LICENSEE: Khalid Davis

ADDRESS: 9536 Chastain Walk Drive
Charlotte, NC 28216

LISTED QUALIFIED INDIVIDUAL:

Khalid Davis

LICENSE NUMBER: 21943-L

VIOLATION(S): Violation of North Carolina General Statute 87-47 (a1) (2), (3), (7) and the Rules of the Board in that;

1. Roberto Cruz undertook to perform electrical contracting work on property located at 1215 West Rocky River Road, Charlotte, North Carolina. Respondent:

(a) allowed Roberto Cruz, an unlicensed person, to perform electrical contracting work on the aforesaid project without being a bona fide employee of his firm; and

(b) instructed Roberto Cruz to sign Respondent's name on the permit application; and

(c) aided and abetted Roberto Cruz, an unlicensed person, to engage in the business of electrical contracting without a license.

2. The effect of Respondent's action was to sell or peddle his license,.

3. Respondent had a routine practice of paying Mr. Cruz on a 1099 rather than a W-2 when Cruz worked on jobs which Respondent contracted.

BOARD ACTION: The Disciplinary Committee recommended:

1. That the license of Respondent firm and the status of Respondent, Khalid Davis, as a qualifying individual be placed on probation for a period of twenty-four (24) months.

2. During the period of probation, Respondent shall comply with the following conditions of probation:

(a) pay a civil penalty of \$1,000.00 within 12 months of the final order in this matter;

(b) attend and pass the Contractor Disciplinary Business Class offered by Umpire Technology within 12 months after the date of the final order issued by the Board;

(c) have written contracts or proposals signed by the licensee and customer for each installation for which licensee is responsible;

(d) obtain permits as required for each contract prior to commencement of work, retain a copy of the permit in the job file for each particular installation and assure that a final inspection has been performed by the Local Code Enforcement Official for each installation;

(e) maintain job files or other written records of contracts

made and installations performed;

(f) maintain records detailing and documenting his compliance with the provisions of this probation order which records shall be available for inspection at any time during normal business hours upon request of the staff of the Board; and

(g) commit no violation of Article 4, Chapter 87 of the General Statutes or the Rules promulgated by the Board.

3. In the event of violation of or failure to comply with the terms of the probation, license will be suspended for twelve (12) months and thereafter until the terms of probation have been satisfied. The Board may impose such additional sanctions as indicated by any new violations of G.S. 87-47.

There was no objection from Mr. Khalid Davis and the Recommended Order was approved by the Board as a Final Order on June 25, 2009.

EFFECTIVE DATE: June 25, 2009

CASE FILE NUMBER: 2009-27

LICENSEE: Wiremax Electrical Services

ADDRESS: 4518 Brimmer Street
Durham, NC 27703

LISTED QUALIFIED INDIVIDUAL:

Tobor S. Spears

LICENSE NUMBER: 26976-L

VIOLATION(S): Violation of North Carolina General Statute 87-47 a1 (1) and the Rules of the Board in that;

1. Respondent undertook to complete an electrical contracting project at 6421 Pulley Town Road, Wake Forest, North Carolina, on property belonging to Claudia Englehorn Lael, LLC. The value of the total project was \$90,000.00. Respondent possessed a limited license.

2. The evidence established that the work performed by Respondent was limited to minor work in completion of a substantially complete project after a contractual dispute with the prior contractor, and Respondent was not on notice of the scope of the project into which he ventured.

BOARD ACTION: The Disciplinary Committee recommended:

That a warning letter be issued on the license record of the Respondent.

There was no objection from Mr. Tobor S. Spears and the Recommended Order was approved by the Board as a Final Order June 25, 2009.

EFFECTIVE DATE: June 25, 2009

CONSENT AGREEMENTS

Criminal background checks a randomly conducted on examination applicants at the time examination applications are received and on listed qualified individuals at the time of issuance of a license and license renewal. Persons with criminal convictions are evaluated to determine if the matter is under the purview of the Board and may be resolved by consent agreement signed by the individual stating that they will be in full compliance of the court imposed sanctions and sanctions of the Board. The individual further acknowledges that failure to comply with the court or Board sanctions could lead to formal proceedings by the Board and more serious sanctions against the individual.

<i>Name</i>	<i>City</i>	<i>County</i>	<i>License</i>	<i>File Number</i>
Calvin Eric Dae	Raleigh	Wake	19263-SP-LV	2008-317
Derrick Wayne Hamby	Walnut Cove	Stokes	16347-SP-LV	2008-307
Jay Kempton Hauser	Winston-Salem	Forsyth	11101-SP-LV	2009-50
Andrew Warwick Lee	Franklinton	Franklin	22504-L	2009-51
Tony Eugene Shepherd	Sparta	Alleghany	17010-L	2009-69
Kevin W. Driggers	Etowah	Henderson	8210-U	2009-93

LICENSEE – PERMIT WARNING AFFIDAVITS & VERBAL WARNINGS

Staff obtains by consent a permit warning affidavit or issues a verbal warning in connection with permit and inspection requirements or other issues under the purview of the Board. The North Carolina Electrical Contracting Licensing Laws and Rules of the Board have been explained to each licensee representative and/or listed qualified individual below. Staff obtained by consent a permit warning affidavit signed by the licensee representative and/ or listed qualified individual or verbal assurance from the licensee representative and/or listed qualified individual stating that they will be in full compliance with the laws and rules applicable to electrical contracting. Licensee representative and/or listed qualified individual also acknowledges that further violations of this nature, if supported by evidence, could lead to formal proceedings against the licensee and listed qualified individual by the Board and to more serious sanctions against the license of the firm.

<i>Licensee</i>	<i>Qualified Individual</i>	<i>County</i>	<i>File Number</i>
Hartmann Electric, Inc.	Kenneth Troy Hartmann	Catawba	2008-304
R. D. Franklin Electric, Inc.	Roger Dale Franklin	Currituck	2008-257
First Choice Electric	Thomas Wallace Edwards Jr.	Wake	2008-280
Guardian Security & Electric Services, Inc	Benjamin Richard Vick	Durham	2008-285
Creech Electric, Inc.	Kenneth Earl Creech	Johnston	2008-252
C & S Electric	Clifford James Waterhouse	Brunswick	2008-324
Raleigh Lanehart Electric Co., Inc.	Tigh Michael Cundieff	Wake	2009-39
Electrical Plus, Inc.	Michael Dean Grissom Jr.	Vance	2009-44
Willis Electric Company	Frank T. Willis	Craven	2009-32
Ogilvie Electric	Russell John Ogilvie	Chatham	2008-326
Hartmann Electric, Inc.	Kenneth Troy Hartmann	Catawba	2008-304
R. D. Franklin Electric, Inc.	Roger Dale Franklin	Currituck	2008-257
First Choice Electric	Thomas Wallace Edwards Jr.	Wake	2008-280

NON-LICENSEE – WARNING AFFIDAVITS and VERBAL WARNINGS

Staff obtains by consent a warning affidavit or issues a verbal warning in connection with unlicensed individuals offering to engage or engaging in electrical contracting as defined in Article 4, Chapter 87 of the General Statutes of North Carolina. The North Carolina Electrical Contracting Licensing Laws, specifically General Statutes 87-43, 87-43.1 and 87-48 has been explained to each individual listed below. Staff obtained by consent a sworn warning affidavit signed by the unlicensed individual or verbal assurance from the unlicensed individual stating that they will refrain from engaging or offering to engage in any electrical contracting in the State of North Carolina until such time they have qualified and obtained an electrical contracting license from the Board.

<i>Name</i>	<i>City</i>	<i>County</i>	<i>File Number</i>
Garrett Sean Johnson	Conover	Catawba	2008-282
Mark Reginald Steele	Lawsonville	Stokes	2008-247
Michael Keith Branton	Manteo	Dare	2008-250
Stephen Rodney Cannon	Winterville	Pitt	2008-296
William Craig Tatum	Gibsonville	Guilford	2008-245
William Craig Tatum	Gibsonville	Guilford	2008-286
Floyd Vincent Robertson	Greensboro	Alamance	2008-284
Sue Mathias	Cincinnati, OH	Out of State	2008-137
Joan Consalvo	Norwood, MA	Out of State	2008-135
Raymond Boyd	Henderson	Vance	2008-303
Joseph Frederick DeTullio	Matthews	Mecklenburg	2008-262
Ryan Patrick Pugh	High Point	Guilford	2008-290
Lonnie Neal Dunn	Norwood	Stanley	2008-237
Richard Devon Moore	Clarkton	Columbus	2008-153
James Christopher Thomas	Carthage	Moore	2008-228
Paul Edward Westin	Saluda	Polk	2008-311
Fredrick K. Franklin	Marshall	Madison	2009-2
Douglas Alan Ganton	Asheville	Buncombe	2009-1
Jack Rushin Hungerford	Hayesville	Clay	2009-20
Vickie Lynn Stack	Pineville	Mecklenburg	2008-331
Carlos Roberto Cruz Aponte	Charlotte	Mecklenburg	2008-352
Richard Allen Preston	Franklin	Macon	2009-55
David Shane Calloway	Dallas	Gaston	2009-18
Sergey V. Kholod	Matthews	Mecklenburg	2009-84
Daniel Terry	Raleigh	Wake	2008-325
Anthony Leon Cannon	Ayden	Pitt	2008-355
Dave Spielman	Terryville, CT	Johnston	2009-26
Lance Clinton Wallace	New Bern	Craven	2009-36
Elijah Allen	Zebulon	Wake	2009-6
Norman Alston Hudson	Durham	Durham	2009-23
Donald Sweeting	Richlands	Onslow	2008-300
Donald Stacy Lawrence	Como	Hertford	2009-62
Raymond Mayleas	Lindhurst, NY	Edgecombe	2009-67
Major Lee Ziglar	Winston-Salem	Forsyth	2008-306
John Henry Duke	Granite Quarry	Rowan	2008-349
Jeffrey Lee Henry	Archdale	Randolph	2009-4
Robert Francis Maher	Raleigh	Wake	2009-25
Donald J. Berer	Morrisville	Cumberland	2008-246
Jonathan Paul Cantrell	Fayetteville	Cumberland	2008-299
Lawrence Ray Hansley	Jacksonville	Onslow	2008-328
Marian Chrostek, Jr.	Jacksonville	Onslow	2008-309
Matthew Marks Westbrooks	Leland	Brunswick	2008-314
Jimmy Michael Mitchell	Kenly	Johnston	2009-52
Mark Hoy	Walcott, IA	Wayne	2008-354
Marvin Lee Johnson	Fayetteville	Cumberland	2009-9
James Mathew Short	Clayton	Johnston	2009-61
Justin Wade Luck	Aberdeen	Hoke	2009-76
Daniel Robert Dula	Pinehurst	Moore	2009-70
Manning Howard Ramson	Sims	Wilson	2009-31

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NC Department of Insurance
 322 Chapanoke Rd., Suite 200
 Raleigh, NC 27603
 919-661-5880
www.ncdoi.com

National Fire Protection Association
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 Quincy, MA 02169-7471
 1-800-344-3555
www.nfpa.org

International Code Council
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 Birmingham, AL 35213-1206
 ICC Store 1-800-786-4452
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