



State of Alabama
The Alabama Board of Electrical Contractors

2777 Zelda Road
Montgomery, AL 36106
(334) 240-7232
Fax (334) 263-6115
www.aecb.alabama.gov

MINUTES
Board Meeting
July 11, 2022

The Alabama Board of Electrical Contractors met on Monday, July 11, 2022, at the Board's office located at 2777 Zelda Road in Montgomery, Alabama. Board members in attendance were Mr. Fred Moore (Board Chair), Mr. Jeremy Atchley (Board Vice Chair), Mr. Terry Wallace (member), Mr. Robert Lamborne (member), Mr. Theodore Blunt (member), Mr. Shon Rogers (member), Mr. Mac McCreless (member) and Mr. Johnny Grimes (member). A vacancy existed on the Board due to a resignation. Also present at the meeting were Mr. Keith Warren (Executive Director), Ms. Hendon Coody (Legal Counsel attending virtually), Mr. Randy Barrows (Board Administrator), Mr. Mike James (Investigator) and Ms. Renee' Reames (recording secretary).

CALL TO ORDER

The meeting was called to order at 10:00 a.m. by Mr. Moore, Board Chair, and following roll call of the members by Mr. Warren, Mr. Moore reported that a quorum was present to conduct business. The meeting was advertised on the Board's website, www.aecb.alabama.gov, and the Secretary of State's website, www.sos.alabama.gov, in accordance with requirements of the Alabama Open Meetings Act.

APPROVAL OF MINUTES

Chairman Moore presented for the Board's approval a copy of the minutes from the May 9, 2022, Board meeting. The Board members were provided a copy of the minutes prior to the meeting for their review. Mr. Atchley made a motion to approve the May minutes with the correction to listing Mr. Moore as absent. The motion was seconded by Mr. Rogers and unanimously approved by the Board.

EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director's Report that included a financial summary for the period ending June 30, 2022. The report included line-item expenditures for the same reporting period. Mr. Warren reported on the number of current licensees, along with the number of complaints received during FY 2021 and in FY 2022 (reports filed in the Board's official Book of Minutes).

Mr. Warren also presented the Administrator's Report on the activities accomplished by the staff since the last Board meeting that was held in May (report filed in Board's official Book of Minutes).

Mr. Warren reported that PROV would begin administering the NASCLA examination as the Board's national examination for licensing beginning October 1, 2022 and he commented on the transition period for applicants currently in the exam process. He also reported that the NASCLA annual meeting was scheduled in August. He indicated that updates were being made to the Board's website.

Mr. Wallace made a motion to accept the financial report as presented. The motion was seconded by Mr. McCreless and unanimously approved by the Board.

LEGAL COUNSEL REPORT

Mrs. Coody presented the Legal Counsel report. She participated in the meeting virtually. She presented a memorandum to the members summarizing the Supreme Courts action in a case that overturned years of case law that gave State immunity to individual State agents in acts they committed or statements they made within the course of their appointments or employment. She explained that now the Supreme Court has held that board members and other state agents may be sued in their individual capacity, as long as the plaintiff is seeking funds only from the board members' personal assets and not the State treasury.

Mrs. Coody reported on the following complaint cases:

Case 2022-072 regarding a repeat offender. Mr. Rogers made the motion to file an Administrative Complaint and Notice of Hearing. The motion was seconded by Mr. Wallace and unanimously approved by the Board.

Case 2022-038 regarding a repeat offender. Mr. Lamborne made the motion to file an Administrative Complaint and Notice of Hearing. The motion was seconded by Mr. Blunt and unanimously approved by the Board.

Ms. Coody reported that there had been a marked increase of Board Licensees "selling their licenses" to non-licensees in order for the non-licensee to illegally obtain an electrical permit and practice electrical contracting. This was typically accomplished by either: (1) the Board Licensee allowed the non-licensee to directly purchase the permit from the local authorities using their license number, thus allowing the non-licensee to practice electrical contracting without a license; or, (2) the Board's Licensee obtained an electrical permit at the request of the non-licensee and then sold the permit to the non-licensee to allow them to practice electrical contracting illegally. She reported that these actions were against the laws of electrical contracting in Alabama and posed a great risk of harm to the health, safety and welfare of the public.

She recommended that, due to the alarming increase in founded complaints on this issue, the Board grant the Investigative Committee the authority to apply a standard sliding-scale of discipline for equal discipline to address these fraudulent practices and resolve the cases as soon as practical. Ms. Coody reported, and the Board agreed, that more lenient discipline had not had the desired effect of curtailing this practice and, considered more stringent discipline, applied fairly and equally, to make it less profitable for licensees to continue the fraud.

The Board considered effective immediately that for a licensee to knowingly combine or conspire with any person by allowing one's license to be used by any unlicensed person with the intent to evade the Board's statute and rules, the licensee be disciplined as discussed.

Mr. Atchley made the motion to approve the disciplinary protocol effective immediately regarding the selling of licenses as recommended by Mrs. Coody, to include:

1. **First offense:** A Cease and Desist order and a **\$1,000. (one thousand dollars) fine to the Licensee for each permit or illegal use;**
2. **Second offense:** A second Cease and Desist order and a **\$2,500.00 (two thousand five hundred dollars) fine to the Licensee for each permit or illegal use;**
3. **Third offense:** An Administrative Complaint and Notice of Hearing scheduled before the Board, which may result in revocation of the license.

The motion was seconded by Mr. Wallace and unanimously approved by the Board. The Board further agreed to retain jurisdiction to review any cases on this matter, especially if the Investigative Committee was of the majority opinion that the Board's additional review would be helpful. Mr. Warren reported that he would send a notice to licensees about this violation protocol.

Mrs. Coody reminded the Board that she would be representing the Board in the civil hearing scheduled in July in the matter of Case 2021-138 regarding the civil injunction filed by the Board.

CREDENTIALS COMMITTEE REPORT

Mr. Warren reported that there was no report from the Credentials Committee at this time.

CE COMMITTEE REPORT

Mr. Warren also indicated that there was no report from the CE Committee at this time.

APPLICATIONS

Mr. Grimes made a motion to approve the Electrical Contractor Applications by Reciprocity as recommended by Mr. Barrows (a list available for viewing in the Board's official Book of Minutes). The motion was seconded by Mr. McCreless and unanimously approved by the Board.

Mr. McCreless made the motion to approve the Journeyman Electrician applications for examination as presented by Mr. Barrows (a list available for viewing in the Board's official Book of Minutes). The motion was seconded by Mr. Grimes and unanimously approved by the Board.

Mr. McCreless made the motion to approve the Electrical Contractor applications for examination as reviewed by the members (a list available for viewing in the Board's official Book of Minutes). The motion was seconded by Mr. Wallace and unanimously approved by the Board.

Mr. Barrows reported that there were no CE Provider applications to consider at this time.

OTHER BUSINESS

The Board discussed the recent action by the Alabama Home Builders Licensure Board regarding adoption of the 2015 International Residential Building Code when investigating complaints in a city or county that did not have a specified residential building code.

The Board also discussed the increase in electric contracting work being performed by non-licensees in unincorporated areas of the State and developing effective measures by the Board to address these violations. Mr. Warren reminded the members that the statute prohibited inspections and legislative changes were required to allow the Board to perform inspections.

The Board briefly discussed federal incentives to install charging stations for electric automobiles and the regulating of the electrical work performed to install these stations.

The Board discussed the article on back-feeding electricity presented by Mr. Blunt about recent legislation SB 305 that was approved making it a Class C misdemeanor in cases where portable generators were installed incorrectly and tied directly into the home's electrical panel causing electricity to flow backwards through power lines.


Chairman Moore reminded the members that the next regularly scheduled meeting of the Board was September 12, 2022, at 10:00 a.m. at the Board's office.

The Board had no further business to discuss and Mr. Atchley made a motion to adjourn the meeting. The motion was seconded by Mr. Grimes, and having no objections from the members, Vice Chairman Atchley adjourned the meeting at 11:41 a.m.

Respectfully submitted,



Fred J. Moore
Board Chair



Keith E. Warren
Executive Director

/rr