



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 – Special/Called

November 21, 2022

The Alabama Board of Electrical Contractors met on Monday, November 21, 2022, at the Board's office located at 2777 Zelda Road in Montgomery, Alabama, for a special/called meeting. 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), and Mr. Mac McCreless (member). Board member absent was 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), Mrs. Hendon Coody (Legal Counsel joined the meeting virtually at 10:05 a.m.), Ms. Karen Harlow (Legal Assistant), Mr. Mike James (Investigator attending virtually) and Ms. Renee' Reames (recording secretary).

CALL TO ORDER

Mr. Warren announced that the purpose of the meeting was to consider disciplinary action, as a matter of public safety, regarding a licensee, who was a Respondent in complaint Case 2022-072. The meeting was called to order at 10:00 a.m. by Mr. Moore, Board Chair, and following a 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.

SPECIAL BUSINESS:

Mr. Warren reported that following the November 14, 2022 Board meeting, Ms. Coody had contacted the Respondent's attorney about the Respondent surrendering his license within 14 days or continuing with the Administrative Hearing. A copy of the Administrative Complaint and Notice of Administrative Hearing was provided to the members.

Mrs. Coody joined the meeting at 10:05 a.m.

Mrs. Coody recommended that the Board approve an emergency suspension up to 120 days to allow notice of hearing and the Administrative Law Judge (ALJ) to submit his recommendations to the Board.

Motion: Mr. Wallace made the motion to issue an emergency suspension of license to the Respondent in Case 2022-072, for a period of 120 days, to protect the health, safety and welfare of the public. The motion was seconded by Mr. Rogers.

Chairman Moore called for discussion and the Board discussed that an emergency suspension would result in all electrical work being stopped immediately on all current and future work. Mrs. Coody reported that the Respondent refused to surrender his license and not cease performing electrical work.

Chairman Moore called for a vote and, following a roll call vote, the motion was unanimously approved by the Board, with 6 ayes and none voting nay.

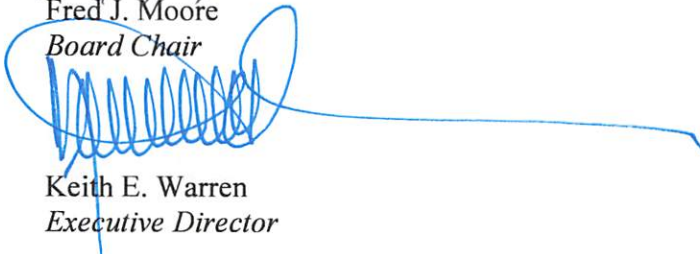
Chairman Moore announced that the next regularly scheduled meeting of the Board was January 23, 2023, at 10:00 a.m. at the Board's office.

Mr. Wallace made a motion to adjourn the meeting. The motion was seconded by Mr. Blunt, and having no objections from the members, Chairman Moore adjourned the meeting at 10:15 a.m.

Respectfully submitted,



Fred J. Moore
Board Chair



Keith E. Warren
Executive Director

/rr



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EMERGENCY CALLED BOARD MEETING

MONDAY, NOVEMBER 21, 2022

Location: Board Office

10:00 A.M.

AGENDA

- I. Call Meeting to Order
 - A. Roll Call
 - B. Approval of Travel and Compensation
- II. Review of ECB Case 2022-072
- III. Announcements and Other Business
 - A. Next Regular Board Meeting scheduled January 23, 2022
- IV. Adjournment

BEFORE THE ALABAMA BOARD OF ELECTRICAL CONTRACTORS

IN THE MATTER OF:

**JEREMIAH A. JONES, III
DBA NJB ELECTRIC, LLC
P.O. BOX 2782
BIRMINGHAM AL 35205**

Case No. ECB 2022-072

ADMINISTRATIVE COMPLAINT AND NOTICE OF ADMINISTRATIVE HEARING

AUTHORITY AND JURISDICTION

COMES now the Alabama Board of Electrical Contractors (hereinafter, the "Board") and submits its Notice of Administrative Hearing pursuant to the authority of Ala. Code §§ 34-36-1, et seq. and §§ 41-22-12 and 41-22-13, respectfully representing the following:

1. Electrical contracting involves activities affecting the public interest and the health, safety, and welfare of the public. Ala. Code § 34-36-15.
2. The "Alabama Electrical Contractors Act" is enacted for the purpose of safeguarding homeowners and other property owners and tenants against faulty, inadequate, inefficient, or unsafe electrical installations and to protect the life, health, and property of homeowners and other property owners and tenants in the State of Alabama. Electrical contracting is hereby declared to be affected with the public interest, and this chapter shall be liberally construed so as to accomplish the foregoing purpose. Ala. Code § 34-36-2.
3. Pursuant to its authority under Ala. Code § 34-36-6(a)(4) and ECB Rule 303-X-1-.07(d), the Board has conducted an investigation concerning Mr. Jones' practice of electrical contracting and concluded that there exists probable cause to find Mr. Jones has violated Ala. Code § 34-36-1, et seq.

4. In support of the above-cited allegations in Case # 2022-072, the Board specifically alleges that there is probable cause to believe that Mr. Jones has violated the following:
 - a. Ala. Code § 34-36-6(b)(5): *“Being found guilty of fraud or deceit or of negligence, incompetency, or misconduct in the practice of electrical contracting or working as a master electrician or journeyman electrician.”*
 - b. Ala. Code § 34-36-1(2)(c): *“All persons performing work under a license issued by the board must abide by all state and local laws and ordinances.”*
5. As redress for such violation, the board may suspend, revoke, or refuse to issue or renew a license and impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000.00), after notice and opportunity for a hearing pursuant to the Alabama Administrative Procedure Act. Ala. Code § 34-36-6.

BACKGROUND

6. Mr. Jones was issued Alabama Board of Electrical Contractors license #03823 on June 8, 2011, and has remained at all times pertinent to this Complaint, a licensee of this Board. He owns and operates NJB Electric, LLC (“NJB”) in Birmingham.
7. The subject of this Administrative Complaint, ALBEC Case # 2022-072, is the **eightth** complaint filed against Mr. Jones and NJB since 2015. The previous complaints are numbered #2015-029; #2019-001; #2019-072; #2020-028; #2020-057; #2021-075; #2021-097 and #2022-072.
8. Mr. Jones has been made aware by the Board on multiple occasions concerning his obligation and responsibility, as a licensee, to abide by the requirements of the laws of electrical contracting in this state or suffer the consequences of administrative and/or judicial intervention.

9. In the first complaint filed against Mr. Jones and NJB, Case #2015-029, the Complainant alleged that Mr. Jones had conspired with a non-licensee, Mr. Willie G. Hart, whereby Mr. Jones obtained an electrical permit from the City of Birmingham for a commercial project and sold it to Mr. Hart for \$350.00, thereby circumventing the laws of licensure in this state. This fraud committed by Mr. Jones allowed Mr. Hart to perform electrical contracting illegally, endangering the health, safety, and welfare of the public (*see* § 34-36-15) and profited Mr. Jones.
10. The Board investigated the complaint and received a signed statement from Mr. Jones admitting to the allegations on August 7, 2015.
11. The Board then issued a **CEASE AND DESIST** letter on September 8, 2015 to Mr. Jones, pursuant to Ala. Code §34-36-6(c), finding the following violations:
 - a. fraud, deceit, negligence, incompetency, or misconduct in the practice of electrical contracting, a violation of Ala. Code § 34-36-6(b)(5), and Rule 303-X-2-10(2)(e);
 - b. aiding or abetting a person to evade the licensing provisions of Ala. Code § 34-36-1, et. seq., a violation of Ala. Code § 34-36-6(b)(7) and Rule 303-X- 2-.10(2)(g);
 - c. knowingly combining or conspiring with a person by allowing your license to be used by an unlicensed person with the intent to evade the provisions of Ala. Code § 34-36-1, et. seq., a violation of Ala. Code § 34-36-6(b)(8) and Rule 303-X-2-. 10(2)(h).
12. The second complaint received by the Board against Mr. Jones and NJB is #2019-001. That case involved a dispute between a homeowner Complainant and Mr. Jones concerning payment and timeliness of work completion. The Board has no jurisdiction over these matters and the Complainant and Mr. Jones were advised to try to work amicably to settle their differences.

13. The third complaint filed against Mr. Jones and NJB is #2019-072. The Complainant alleged that Mr. Jones had pulled a permit for a non-licensee, Mr. Brandon Noble, to perform electrical work that was not completed. In addition, the Board's investigation revealed that the non-licensee, Mr. Noble, was conspiring with yet another person to commit fraud on a property rental company by producing false invoices. Mr. Jones admitted to his second reported violation of aiding and abetting a non-licensee to circumvent the laws of this state, i.e., selling his license for \$200.00, in a signed statement on September 25, 2019. The Board fined Mr. Jones \$1,000.00 (one thousand dollars) and sent him his second **CEASE AND DESIST** letter.

14. The fourth complaint received by the board against Mr. Jones and NJB is #2020-028. The building inspector or the City of Hoover, Mr. Roddy Brooker, alleged that neither Mr. Jones nor his employees performed the electrical work on two houses he inspected in Hoover. The investigation revealed insufficient evidence to proceed with board discipline. However, as a result of this case; the City of Hoover instituted a policy requiring Mr. Jones be present at all future inspections of the work he has permitted.

15. The fifth complaint received by the board is #2020-057. A homeowner Complainant alleged issues with Mr. Jones concerning quotes, actual charges, and completion of the electrical repairs. The board has no jurisdiction over these matters and the homeowner Complainant and Mr. Jones were advised to try to work amicably to settle their differences. While this matter's allegations alone do not rise to disciplinary level, the board is cognizant of the repeated complaints against Mr. Jones concerning his timeliness of completion of the projects he takes on, the recurring theme of disputes concerning his charging more than his initial quote, and his unresponsive attitude to his customers.

16. The sixth complaint received by the board is #2021-075. Mr. Blake Wilder, the Building Inspector for the City of Alabaster reported that he was contacted by the person who had performed work at two (2) different locations regarding inspections on May 12, 2021. Once he took down the information and started to check for missing inspections/reinspect fees, he noticed that there were two (2) different electrical contractors for this one worker.

Mr. Jones admitted in a signed statement given to our investigator on May 17, 2021, that he hired and paid Mr. Rodriguez as a 1099 employee, which facilitated his working illegally as an electrical contractor. Mr. Rodriguez is not licensed by this Board, and he is not a full-time, W2 employee of NJB. *(NOTE: In a later complaint, it was revealed that Mr. Rodriguez has no Social Security number, casting serious doubt on his being a 1099 employee of Mr. Jones.)*

17. The board's **CEASE AND DESIST** contained the following language:

"Mr. Jones, this is the 5th complaint filed against you and NJB in a little over 2 years. If a 6th complaint is filed, and an investigation reveals that you are in violation of any of the Board's laws and regulations, you will be ordered to appear before the Board at an administrative hearing, where all costs of the hearing, including the Board's attorney's and investigative fees, may be taxed against you. In addition, the Board may assess a monetary fine of \$5,000.00 *per violation* and possible revocation of your electrical contractor's license."

....

"As a licensee of this Board, you are required to know and follow the laws and regulations that pertain to electrical contracting in Alabama. You may not succeed in the future with a defense of ignorance of the laws regarding electrical contracting after 5 complaints against your license."

18. The seventh complaint received by the board is yet another case of Mr. Jones selling his electrical contractor license to the non-licensee, Mr. Rodriguez. In Case #2021-097, Mr. Jones admitted in a signed statement given to our investigator on May 17, 2021, that he hired and paid Mr. Rodriguez as a 1099 employee, which facilitated Mr. Rodriguez working illegally as an electrical contractor. Mr. Rodriguez has no social security number, so it casts doubt on Mr. Rodriguez's 1099 employee status. Mr. Rodriguez performed faulty electrical work in Vestavia Hills, which resulted in two (2) citations issued to NJB

by the City. Mr. Jones facilitated Mr. Rodriguez's working illegally as an electrical contractor. The Board issued its third **CEASE AND DESIST** to Mr. Jones.

THE CASE AT BAR

19. The board's eighth complaint is #2022-072. The Complainant, Mr. Sam Knight, Building Inspector for the City of Vestavia Hills, reports that Mr. Jones and NJB have been cited for cutting off the ground rod for a temporary service. 250.52(5) of the 2014 NEC states that the rod has to be 8ft in length and no main breaker in panel. This item was written up initially on June 09, 2022, City of Vestavia Hills, AL permit #EL-22-57.
20. During the investigation, Mr. Jones stated that he was familiar with the issue under investigation. He admitted that his company performed the work in question and that the City of Vestavia Hills was unhappy about the work performed.
21. As a result of the investigation, the Board is of the opinion that Mr. Jones, once again, has violated the laws of Alabama regarding the practice of electrical contracting, i.e., Ala. Code § 34-36-1(2)(c) "All persons performing work under a license issued by the board must abide by all state and local laws and ordinances."

WHEREFORE, the foregoing premises considered, the Board requires that Jeremiah A. Jones, III appear and answer the allegations contained herein on **Monday, November 14, 2022, at 10:00 am** at the Board's offices located at **2777 Zelda Road, Montgomery AL 36106**. You may be represented by an attorney, if you so desire; you may cross-examine all witnesses who testify against you and present such evidence on your own behalf in response to these charges as you consider necessary and appropriate. If you decide to retain legal counsel, such attorney must file a Notice of Appearance, along with an answer to the allegations, to be received in the Board's offices ***no later than October 10, 2022.***

Notice is further given that the hearing in this case will be conducted pursuant to the provisions of Ala. Code §§ 41-22-12 and 41-22-13. The Board may appoint someone to act as the hearing officer at the hearing, pursuant to Ala. Code §34-36-4(f). Within thirty (30) days of the conclusion of the hearing, unless otherwise agreed upon by the parties, the Board will issue its decision in the case and may take any and all disciplinary measures and penalties as outlined in Ala. Code §34-36-6(c), §34-36-15, and Rule 303-X-2-.10 of the Alabama Board of Electrical Contractors.

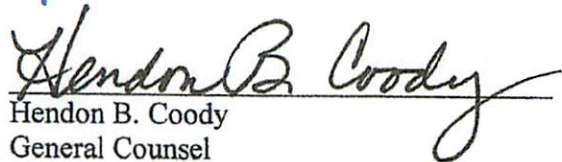
The Board requests that administrative costs be assessed against Mr. Jones.

This Administrative Complaint is executed for and on behalf of the Alabama Board of Electrical Contractors by its Executive Director pursuant to the instructions of the Board contained in its Resolution adopted on July 11, 2022.

DATED this 12th day of August 2022.



Keith E. Warren
Executive Director
Alabama Board of Electrical Contractors



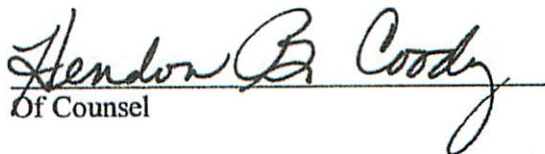
Hendon B. Coody
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Alabama Board of Electrical Contractors

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon Jeremiah A. Jones, III dba NJB Electric, LLC, P.O. Box 2782, Birmingham, AL 35205, via U.S. certified US Mail, return receipt requested, on this the 12th day of August, 2022.


Of Counsel