



State of Alabama
The Alabama Board of Electrical Contractors

2777 Zelda Road
Montgomery, AL 36106
(334) 420-7232
Fax (334) 263-6115
www.aecb.alabama.gov

MINUTES
Board Meeting
September 18, 2023

The Alabama Board of Electrical Contractors met on Monday, September 18, 2023, at the Board's office located at 2777 Zelda Road in Montgomery, Alabama. Board members in attendance were Mr. Jeremy Atchley (Board Chair), Mr. Shon Rogers (Board Vice Chair), Mr. Fred Moore (member), Mr. Theodore Blunt (member), Mr. Mac McCreless (member), Mr. Robert Lamborne (member), Mr. Johnny Grimes (member) and Mr. Ben Freeman (member). Members absent was Mr. Terry Wallace (member). Others present were Mr. Keith Warren (Executive Director), Mrs. Hendon Coody (Board General Counsel attending virtually), Mr. Randy Barrow (Board Administrator), Mr. Mike James (Investigator), Ms. Camby Garner (Licensing Specialist) and Ms. Renee' Reames (Recording Secretary).

CALL TO ORDER

The meeting was called to order at 10:09 a.m. by Mr. Jeremy Atchley, Board Chair. Mr. Warren called member roll and 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. Mr. Warren read the Opening Statement regarding Robert's Rules of Order and the Alabama Open Meetings Act. Travel expense reports were completed by attending Board members.

MOTION: Mr. Rogers made the motion to approve the travel expense reports as submitted. The motion was seconded by Mr. Grimes and unanimously approved by the Board.

APPROVAL OF MINUTES

Chairman Atchley presented for the Board's approval a copy of the minutes from the July 17, 2023, regular meeting and August 7, 2023, special meeting of the Board. The Board members were provided with a copy of the minutes prior to the meeting for their review.

MOTION: Mr. Grimes made a motion to approve the July and August meeting minutes as presented. The motion was seconded by Mr. Moore and unanimously approved by the Board.

EXECUTIVE DIRECTOR REPORT

Mr. Warren presented the Executive Director's Report (available in Official Book of Minutes) that included a FY 2023 financial summary for the period ending August 31, 2023, and budget obligations vs. expenses for the same reporting period. Mr. Warren reported on the number of current licensees to include a comparison to FY 2022. Mr. Warren also reported on the number of complaints received during FY 2022 and FY 2023. Mr. Warren reported that he was working on collecting the outstanding disciplinary fines. He reported on activities performed by the staff since the last regular Board meeting held in July.

MOTION: Mr. Moore made a motion to accept the Financial Report as presented by Mr. Warren. The motion was seconded by Mr. Grimes and unanimously approved by the Board.

Mr. Warren reported on plans to relocate Smith Warren Management Services to a larger building.

Mr. Warren also reported on Board terms, indicating that Mr. Moore, Mr. McCreless and Mr. Wallace had served the maximum and were not eligible to serve another term on the Board. He reported on the Governor's new appointment process requiring interested candidates to submit applications to the Governor online.

LEGAL COUNSEL REPORT

Mrs. Coody reported that the Investigative Committee had met, and she asked Mr. James to present the report (available in the official Book of Minutes). Mr. James presented a summary about the following cases and explained the accelerated schedule of disciplinary fines for violations:

- Recommendation to close ECB cases with a cease and desist orders issued in the field in 2023-086.02; 2023-088; 2023-093; 2023-095.02; 2023-097; 2023-098; 2023-100; 2023-101; 2023-102; 2023-103; 2023-105; 2023-107; 2023-108.02; 2023-110.02; 2023-110.03; 2023-114; 2023-117; 2023-123.02 and 2023-123.03.
- Recommendation to close ECB cases with an offer of a consent agreement and fines in 2023-068 with \$500 fine; 2023-095.01 with \$1,000 fine; 2023-116 with \$1,000 fine; 2023-119 with \$2,500 fine; 2023-125 with \$2,500 fine and 2023-126 with \$2,500 fine.
- Recommendation to close ECB cases as unfounded/no violation in 2023-089; 2023-099; 2023-108.01; 2023-110.01 and 2023-115.
- Recommendation to close ECB case with a letter of concern in 2023-084; 2023-085; 2023-087; 2023-090.01; 2023-091; 2023-109; 2023-111 and 2023-112.
- Recommendation to close ECB cases by issuing a cease and desist letter in 2023-090.02; 2023-092; 2023-094 and 2023-113.
- Recommendation to close ECB case due to complaint being withdrawn by the complainant in 2023-077; 2023-086.01; 2023-096; 2023-104.01; 2023-104.02; 2023-118; 2023-122 and 2023-129.
- Recommendation to administratively closed ECB cases 2023-061 and 2023-070.

MOTION: Mr. Moore made a motion to accept the recommendations of the Investigative Committee as presented. The motion was seconded by Mr. Rogers and unanimously approved by the Board.

Ms. Coody reported an increase in consumer complaints regarding payment disputes, of which the Board had no jurisdiction. She explained that should a complainant get a court order judgement, the Board could reopen the complaint.

MOTION: Mr. Moore made the motion to authorize the Board's Legal Counsel to issue a letter to the respondent involved in payment dispute complaints. The motion was seconded by Mr. Freeman and unanimously approved by the Board.

Mr. Warren recommended the Board review and consideration jurisdiction and disciplinary activities by other boards in similar cases. The Board further discussed complaints that may involve more than one board's jurisdiction, and Ms. Coody explained that the other board was notified when the matter rose to a level of concern.

RULES COMMITTEE REPORT

Ms. Coody reported that the Rules Committee had not meet recently; however, based on previous discussions she presented information on Journeyman licensure as it pertained to §34-36-3(4)(a). The Board discussed documentation of experience to obtain a journeyman license and whether a Journeyman license should be a pre-requisite to obtain an electrical contractors' license, documenting advanced experience. The Board discussed future revisions to the rules pertaining to definitions of contracting and electrical contracting, journeyman license as a pre-requisite to electrical contractors' license and defining other paths to licensure. Also discussed was the authority of municipal and county jurisdictions.

MOTION: Mr. Grimes made the motion to modify the Electrical Contractors' application by removing the requirement for a letter from applicants who were self-employed. The motion was seconded by Mr. Moore and unanimously approved by the Board.

MOTION: Mr. Moore made the motion to modify the Journeyman application by immediately removing the business entity job sheet. The motion was seconded by Mr. Grimes and unanimously approved by the Board.

OLD BUSINESS

The Board discussed Provisional licensure and Mr. Warren presented a copy of the memorandum sent in August to licensees regarding the sunset of the Provisional licensure category. Mr. Warren reported that there was support to maintain the licensure category that restricted work to a geographical area. The Board discussed proposed revisions to the Board's statute to create a restricted category license.

MOTION: Mr. Moore made the motion to authorize the Board's Legal Counsel to draft proposed legislation, to present during the 2024 Legislative Session, concerning a restricted electrical contractor's license. The motion was seconded by Mr. Grimes and unanimously approved by the Board.

The Board discussed the examination deadlines previously approved by the Board for Provisional licensees holding an active license to register and take an examination.

MOTION: Mr. Moore made the motion to change the examination registration deadline from January 1, 2024 to June 30, 2024 and change the examination deadline from June 30, 2024 to December 30, 2024. The motion was seconded by Grimes. Following further discussion of the motion, Mr. Moore withdrew the motion and Mr. Grimes concurred with the withdrawal.

The Board discussed the following action plan regarding Provisional licenses and a proposed Restricted license:

- Approve an electrical special examination for provisional licensees with 10 years of experience, with the first exam fee paid by the Board and subsequent examinations paid by the licensee/applicant.
- Register for special examination by January 30, 2024.
- Special Examination period included 90 days after June 30, 2024 exam.
- Provisional licensees who do not take the special examination would stay restricted to geographical area, contingent upon approval of proposed legislation creating a restricted license.

MOTION: Mr. Rogers made the motion to proceed with the proposed plan for Provisional license and proposed legislation for a restricted license. The motion was seconded by Mr. Grimes and unanimously approved by the Board.

The Board reviewed the proposed special exam for Provisional licensees.

MOTION: Mr. Moore made the motion to approve the proposed special examination to be administered by PROV for Provisional licensees, who met the continuous licensure criteria of 10 years, to include the Alabama Business and Law section, and to waive the initial examination fee. The motion was seconded by Mr. Blunt and unanimously approved by the Board.

Review of Applications

Mr. Barrows presented the licensure applications for the Board's approval.

MOTION: Mr. McCreless made the motion to approve the Electrical Contractors Applications by Reciprocity as presented by Mr. Barrows (list available in the Board's official Book of Minutes). The motion was seconded by Mr. Grimes and unanimously approved by the Board.

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

MOTION: Mr. Moore made a motion to approve the Electrical Contractor Applications for Examination as reviewed by the Board (list available in the Board's official Book of Minutes). The motion was seconded by Mr. McCreless and unanimously approved by the Board.

MOTION: Mr. McCreless made the motion to approve Lightwave Learning LLC as a Continuing Education Provider. The motion was seconded by Mr. Grimes and unanimously approved by the Board.

The Board discussed incidents where an applicant reported that the employer/former employer would not provide a work affidavit regarding the applicant's employment.

MOTION: Mr. Freeman made the motion to authorize the Board's Legal Counsel to draft a letter that would be sent to the employer in cases where the work affidavit was withheld, preventing the applicant from submitting the affidavit with the application for licensure. The motion was seconded by Mr. Moore and unanimously approved by the Board.

ANNOUNCEMENTS

Chairman Atchley reminded the members that the next regularly scheduled meeting of the Board was November 13, 2023, at 10:00 a.m. at the Board's office.

ADJOURNMENT

Chairman Atchley called for other business and there were none.

MOTION: Mr. Grimes made a motion to adjourn the meeting. The motion was seconded by Mr. Lamborne, and having no objections from the members, Chairman Atchley adjourned the meeting at 12:30 p.m.

Respectfully submitted,



Jeremy Atchley
Board Chair



Keith E. Warren
Executive Director

Approved on November 13, 2023 /rr AW