



State of Alabama
The Alabama Board of Electrical Contractors

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MINUTES
Board Meeting
November 13, 2023 - Amended

The Alabama Board of Electrical Contractors met on Monday, November 13, 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), and Mr. Terry Wallace (member), Mr. Fred Moore (member), Mr. Theodore Blunt (member), Mr. Mac McCreless (member), and Mr. Ben Freeman (member). Members absent were Mr. Robert Lamborne (member) and Mr. Johnny Grimes (member). Others present were Mr. Keith Warren (Executive Director), Mrs. Hendon Coody (Board General Counsel), Mr. Randy Barrow (Board Administrator), Mr. Mike James (Investigator), Ms. Karen Harlow (Legal Assistant), Ms. Angela Warr (Executive Assistant), Ms. Renee' Reames (recording secretary), along with Mr. Alva Lambert and Mr. Patrick McWhorter.

CALL TO ORDER

The meeting was called to order at 10:05 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 and accepted by the Board.

APPROVAL OF MEETING AGENDA

Chairman Atchley presented a copy of the proposed agenda for the November 13, 2023, Board meeting. Ms. Coody asked to add item d., repeal of Rule 303-X-2-.08(1)(e), under the proposed rule changes of the Legal Counsel's report.

MOTION: Mr. Moore made the motion to accept the meeting agenda as revised. The motion was seconded by Mr. Rogers and unanimously approved by the Board.

ADOPTION OF MINUTES

Chairman Atchley presented for the Board's approval a copy of the minutes from the September 18, 2023, regular meeting of the Board. The Board members were provided with a copy of the minutes prior to the meeting for their review.

MOTION: Mr. McCreless made a motion to approve the September 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 September 30, 2023, and budget obligations vs. expenses for the same reporting period. He reported that he anticipated approximately \$50,000 to \$60,000 being diverted to the General Fund from the Board's 2023 fiscal year budget. He reported that a new financial officer had been hired, Mr. Brannon Littleton, and assisting in finance was Mr. Gary Dopson.

Mr. Warren reported on the number of current licensees. He reported that notices had been mailed to active Provisional licensees about the Board's action to offer an examination for Provisional licensees to hold a statewide electrical contractor's license and plans to introduce legislation for Provisional licensees to hold a license that restricted work to the geographical area they had been licensed to work. He also reported that he and Mr. James were planning to attend some of the Code Official meetings across the state to inform them about the Board's actions affecting Provisional licensees.

Mr. Warren reported that the Associated Builders and Contractors of Alabama was interested in the Board expanding licensure categories to residential license. Mr. Warren indicated that he would keep the Board advised about future communications on this matter.

Mr. Warren also reported on the number of complaints received during FY 2023 and FY 2024. He reported on activities performed by the staff since the last regular Board meeting held in September, along with licensing examination results.

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

Mr. Warren reported that he was continuing to work on Board member appointment recommendations.

LEGAL COUNSEL REPORT

Electrical Contractor's Application: Mrs. Coody presented recommended changes to the instruction page to the electrical contractor licensure application. Also presented were changes to the electrical contractor application to include listing the proposed business name and requiring the signature of the applicant, only.

MOTION: Mr. McCreless made the motion to approve the changes to the electrical contractor's application and instruction page as discussed. The motion was seconded by Mr. Rogers and unanimously approved by the Board.

Rule 303-X-2-.08 License Exemptions: Mrs. Coody recommended changes to Rule 303-X-2-.08 regarding electrical contractors that wish to hold a second license affiliated with their own company, while employed with utility cooperative companies described in (1)(a) of the same Rule chapter.

MOTION: Mr. Wallace made the motion to accept changes to Rule 303-X-2-.08 as presented. The motion was seconded by Mr. Moore and unanimously approved by the Board.

Rule 303-2-.07 Form and Content of License Certificates: Mrs. Coody recommended changes to Rule 303-X-2-.07 that required licensees to have the same company name as their affiliated company in other states. The Board recommended adding language exempting the licensees should they meet exemptions in Rule 303-X-2-.08.

MOTION: Mr. Wallace made the motion to add in Rule 303-X-2-.07, the statement that “unless the licensee falls under the exemptions found in Rule 303-X-2-.08.” The motion was seconded by Mr. Rogers and unanimously approved by the Board.

The Board continued to discuss requiring a licensee to be affiliated with the same company in Alabama as affiliated in other States that they were licensed. Mr. Warren indicated that he would draft questions to NASCLA members about how other states were addressing this matter. Chairman Atchley tabled the discussion to a future meeting.

Rule 303-X-2-.08(1)(e): Mrs. Coody recommended that Rule 303-X-2-.08(1)(e) be repealed as no longer relevant.

MOTION: Mr. Wallace made the motion to repeal 303-X-2-.08(1)(e). The motion was seconded by Mr. Moore and unanimously approved by the Board.

Rule 303-X-2-.10 Discipline of a License: Mrs. Coody recommended that Rule be amended for clarification and add that complaints must be filed with one year of the act or the work performed.

MOTION: Mr. Moore made the motion to approve the amendments to Rule 303-X-2-.10 as presented. The motion was seconded by Mr. Rogers and unanimously approved by the Board.

Mrs. Coody reported that the Investigative Committee (IC) had met, and she asked Mr. James to present the report (available in the official Book of Minutes). Mr. James presented a summary of the following cases:

- IC recommendation to close ECB Cases with a cease and desist order issued in the field in Cases 2023-121, 2023-135 and 2024-010.
- IC recommendation to close ECB Cases as unfounded/no violations in Cases 2023-127, 2023-132, 2024-002, 2024-007, and 2024-011.
- IC recommendation to close ECB Cases as no jurisdiction in Cases 2023-120 and 2023-133.
- IC recommendation to reconsider ECB Case 2023-092 and approve \$1,000 fine with the cease and desist previously approved by the Board.
- IC recommendation to issue a cease and desist for the following ECB Cases:
 - Case 2023-106 with \$2,500 fine,
 - Case 2023-123.01 with \$2,500 fine and one year probation,
 - Case 2023-124 with \$500 fine,
 - Case 2023-128 with \$1,00 fine, and
 - Case 2023-131 cease and desist.

MOTION: Mr. Blunt made the motion to approve the Investigative Committee recommendations as presented. The motion was seconded by Mr. Moore and unanimously approved by the Board.

OLD BUSINESS

Proposed Final Rule 303-X-2-.01 Qualifications For An Electrical Contractor's License and Public Hearing: Chairman Atchley presented Rule 303-X-2-.01 for final adoption. Mr. Warren reported that he had not received any written comments from the public. Following discussion, Chairman Atchley called for a motion.

MOTION: Mr. Wallace made the motion to approve as Final Rule 303-X-2-.01 as published. The motion was seconded by Mr. Moore and unanimously approved by the Board.

NEW BUSINESS

Proposed 2024 Board Meeting Schedule: Mr. Warren presented for Board approval a list of Board meeting dates for 2024.

MOTION: Mr. Blunt made the motion to approve January 22, March 18, May 20, July 22, September 23, and November 18, as 2024 meeting dates. The motion was seconded by Mr. Freeman and unanimously approved by the Board.

Vehicle Purchase for Investigator: Mr. Warren reported on purchasing a vehicle for the Investigator.

MOTION: Mr. Moore made the motion to start the process of purchasing a Chevrolet Tahoe for the Board's Investigator. The motion was seconded by Mr. Freeman and unanimously approved by the Board.

Review of Applications

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

MOTION: Mr. Moore 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. Rogers and unanimously approved by the Board.

MOTION: Mr. Blunt 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. Freeman 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. Wallace and unanimously approved by the Board.

Mr. Barrows reported that no new Continuing Education Provider applications had been received.

The Board discussed DC digital pulsed power and the push by manufacturers that electrical contractors were not required for installation. The volt exemption for Board licensure was reviewed by the Board.

ANNOUNCEMENTS

Chairman Atchley reminded the members that the next regularly scheduled meeting of the Board was January 22, 2024, at 10:00 a.m. at the Board's office.

ADJOURNMENT

Chairman Atchley called for other business and there were none.

MOTION: Mr. Rogers made a motion to adjourn the meeting. The motion was seconded by Mr. Wallace, and having no objections from the members, Chairman Atchley adjourned the meeting at 12:01 p.m.

Respectfully submitted,



Jeremy Atchley
Board Chair



Keith E. Warren
Executive Director

Approved on March 18, 2024 /rr 