

LICENSING DIVISION

Staff Report for the Electrical Safety and Licensing Advisory Board

November 10, 2020

Personnel Updates

New Licensing Analysts

12/1/19 - Crystal Hall has 15 years of experience at Sears Holdings where she provided administrative support, customer service, and technical assistance for the repair of mechanical products.

She was also a Pre-K teacher for two years where she planned curriculum and assessed student progress.

2/18/20 - Kate Nauert brings over 7 years of experience from the Girling Community Care where she maintained client files, managed and scheduled field supervisors and performed background checks. She also hired and placed caregivers in the homes of the elderly.

She has over 6 years of additional office experience being a bookkeeper and administrative assistant.

3/2/20 - Gerald McCloud has been a recruiter where he matched veterans with Fortune 1000 employers; a Site Manager where he audited invoices and employee timekeeping reports, audited monthly alarms and communicated industry laws and rules.

He was a Title Squadron Superintendent in the Air Force where he supervised managers and flight instructors as well as established training requirements for 73 aviators. He has over 13 years in the Air Force.

Covid Response Update

We want to assure you that we have continued to process license applications since the City of Austin issued its "Stay at Home – Work Safe" order on March 23. Most of us are working safely at home under TDLR's "Work at Home" initiative and the Licensing division continues to issue licenses.

Protecting the sensitive information on those applications is of utmost importance so we do not take applications home. When we receive paper applications, we scan them in to a secure, shared directory and we pull up each one and process it remotely just as if we were in the office working with paper. There is no change to how we process applications filed online, other than the roof we're sitting under to do the work.

A few staff members report to the office every day to take care of duties that cannot be performed at home like scanning the incoming applications and mailing the output such as licenses and renewal letters. We have been affected by illness and quarantine, but only on a limited scale and everyone has recovered.

Statistics

MASTER ELECTRICIANS

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	603	471
<i>Renewed Licenses Issued</i>	15,931	16,490
<i>Online Renewals</i>	15,835	16,425
<i>% Renewed Online</i>	99%	99%
Total Population	16,915	17,028

MASTER SIGN ELECTRICIANS

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	9	11
<i>Renewed Licenses Issued</i>	484	508
<i>Online Renewals</i>	480	508
<i>% Renewed Online</i>	99%	100%
Total Population	522	521

JOURNEYMAN ELECTRICIANS

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	1,823	1,543
<i>Renewed Licenses Issued</i>	33,060	34,018
<i>Online Renewals</i>	32,807	33,839
<i>% Renewed Online</i>	99%	99%
Total Population	36,105	36,380

JOURNEYMAN SIGN ELECTRICIANS

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	13	14
<i>Renewed Licenses Issued</i>	297	291
<i>Online Renewals</i>	296	291
<i>% Renewed Online</i>	99%	100%
Total Population	330	325

JOURNEYMAN LINEMAN ELECTRICIANS

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	12	17
<i>Renewed Licenses Issued</i>	20	32
<i>Online Renewals</i>	19	32
<i>% Renewed Online</i>	95%	100%
Total Population	32	37

JOURNEYMAN INDUSTRIAL ELECTRICIANS

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	124	109
<i>Renewed Licenses Issued</i>	7	113
<i>Online Renewals</i>	7	113
<i>% Renewed Online</i>	100%	100%
Total Population	131	227

MAINTENANCE ELECTRICIANS

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	9	5
<i>Renewed Licenses Issued</i>	880	848
<i>Online Renewals</i>	870	843
<i>% Renewed Online</i>	98%	99%
Total Population	946	899

RESIDENTIAL WIREMEN

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	198	152
<i>Renewed Licenses Issued</i>	1,306	1337
<i>Online Renewals</i>	1,285	1327
<i>% Renewed Online</i>	98%	99%
Total Population	1,605	1579

APPRENTICES

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	36,387	32,994
<i>New Licenses Issued Online</i>	35,669	32,447
<i>Renewed Licenses Issued</i>	40,377	43,503
<i>Online Renewals</i>	39,892	43,173
<i>% Renewed Online</i>	98%	99%
Total Population	85,463	85,144

SIGN APPRENTICES

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	1,518	1,106
<i>New Licenses Issued Online</i>	1,507	1,095
<i>Renewed Licenses Issued</i>	606	613
<i>Online Renewals</i>	606	613
<i>% Renewed Online</i>	100%	100%
Total Population	2,453	1,998

ELECTRICAL CONTRACTORS

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	892	724
<i>Renewed Licenses Issued</i>	9,118	9,804
<i>Online Renewals</i>	9,061	9,761
<i>% Renewed Online</i>	99%	99%
<i>Total Population</i>	10,338	10,448

ELECTRICAL SIGN CONTRACTORS

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	59	48
<i>Renewed Licenses Issued</i>	495	531
<i>Online Renewals</i>	491	527
<i>% Renewed Online</i>	99%	99%
<i>Total Population</i>	582	574

RESIDENTIAL APPLIANCE INSTALLERS

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	177	117
<i>Renewed Licenses Issued</i>	1,783	1,875
<i>Online Renewals</i>	1,777	1,871
<i>% Renewed Online</i>	99%	99%
<i>Total Population</i>	1,992	2,004

RESIDENTIAL APPLIANCE INSTALLATION CONTRACTORS

	TOTAL FY 2019	TOTAL FY 2020
<i>New Licenses Issued</i>	64	53
<i>Renewed Licenses Issued</i>	604	652
<i>Online Renewals</i>	599	651
<i>% Renewed Online</i>	99%	99%
<i>Total Population</i>	704	686

COMBINED

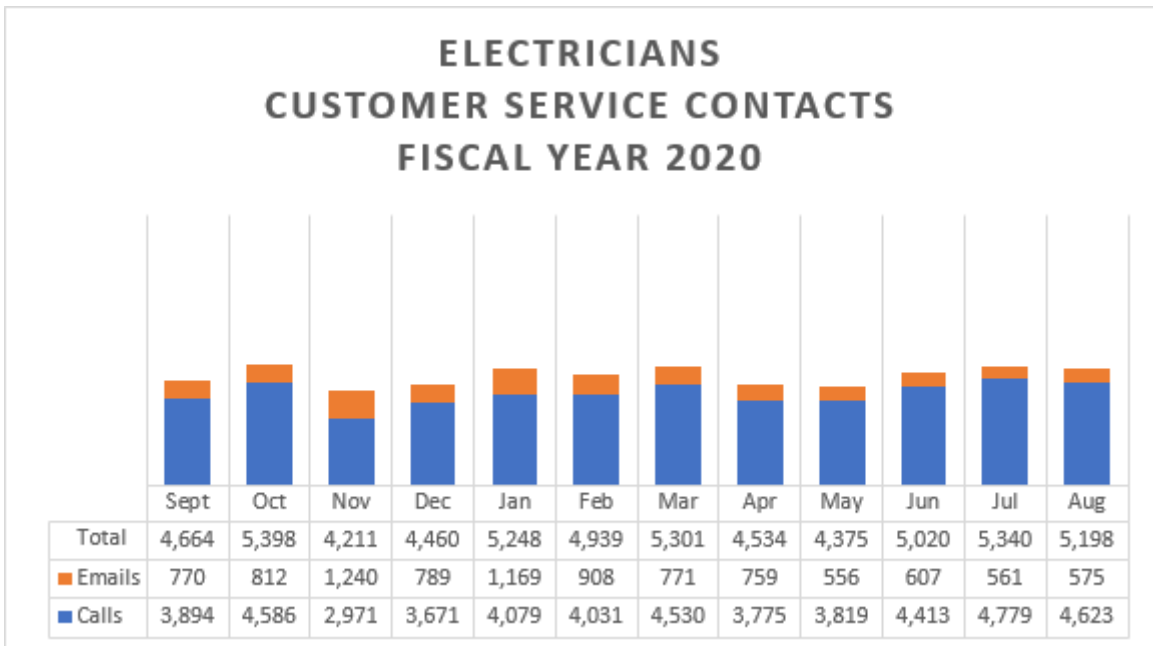
	TOTAL FY 2019	TOTAL FY 2020
<i>New Facility Licenses Issued</i>	1,015	825
<i>Renewed Facility Licenses Issued</i>	10,217	10,987
<i>Online Renewals</i>	10,151	10,939
<i>% Renewed Online</i>	99%	99%
<i>New Individual Licenses Issued</i>	40,873	36,539
<i>Renewed Individual Licenses Issued</i>	94,751	99,628
<i>Online Renewals</i>	94,751	99,035
<i>% Renewed Online</i>	100%	99%
<i>Total Population (Individuals)</i>	146,494	146,142
<i>Total Population (Facilities)</i>	11,624	11,708
Total COMBINED Licenses	158,118	157,850

The population number is a snapshot of the number of active licenses on the first day of and the month. The number of licenses issued and renewed is the total activity performed during the fiscal year.

Customer Service

Staff Report for the Electrical Safety and Licensing Advisory Board
November 10, 2020

Statistics



Enforcement Division

Staff Report for the Electrical Safety and Licensing Advisory Board

November 10, 2020

Personnel Updates:

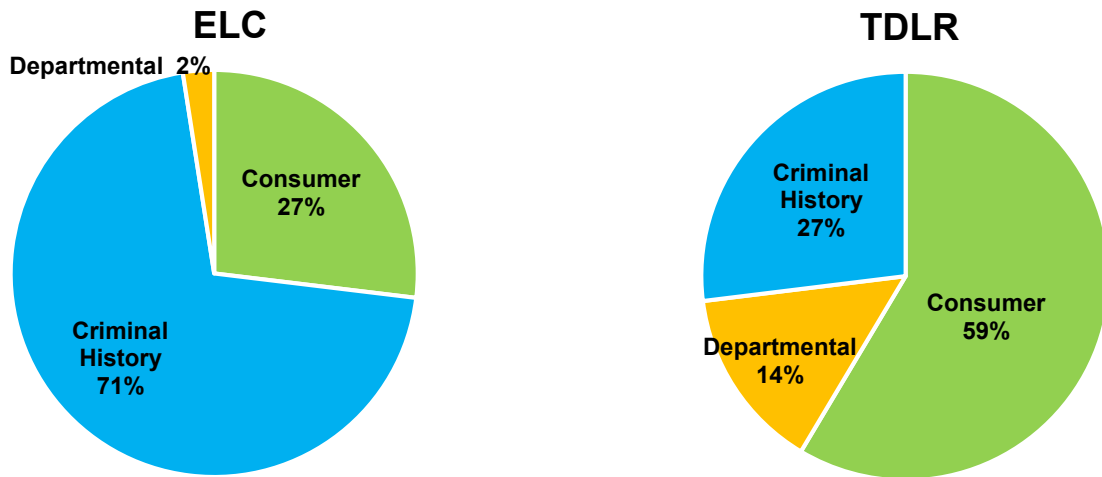
- On February 15, Debbie Hawkins was promoted to Legal Assistant Supervisor. Debbie has worked for TDLR for 8 years as a Legal Assistant in the Enforcement Division.
- On March 1, John Medlock was promoted to Chief Prosecutor. John has worked for TDLR for 7 years, previously serving as a Prosecutor and Senior Prosecutor in the Enforcement Division.
- On May 1, Trevor Theilen was promoted to Senior Prosecutor. Trevor has worked for TDLR for 9 years as a Prosecutor in the Enforcement Division.
- On August 31, Investigations Manager Gregg Dodson retired after 22 years of service with TDLR. Gregg oversaw the Investigations Section within the Enforcement Division, which includes 42 investigators. This position is currently posted on the Department's website, and we hope to conduct interviews soon.
- On August 31, Prosecution Legal Assistant Manager Daryl Kunze retired after 18 years of service with TDLR. Daryl oversaw the Prosecution Legal Assistant Section within the Enforcement Division, which includes 33 legal assistants and administrative assistants.
- On August 31, Senior Investigator Esmer Arguijo retired after 21 years of service with TDLR. Esmer conducted investigations of cases in the building and mechanical, water well, and property tax programs.
- On October 1, Jackie Revilla was promoted to Prosecution Legal Assistant Manager, to fill the vacancy created by Daryl Kunze's retirement. Jackie has worked for TDLR for 18 years, previously serving as a Legal Assistant Supervisor in the Enforcement Division.

Statistics:

Shown below are the Enforcement Performance Measures and key statistics for the Electrical (ELC) program and for all TDLR programs combined for **Fiscal Year 2020**:

Performance Measure	ELC	TDLR
Cases opened	1,943	10,465
Cases closed	2,065	9,763
Average time to close (days)	132.64	157.58
% of cases resolved within 6 months	79.52%	68.64%
% of cases resulting in disciplinary action	9.49%	13.48%
Cases Pending	883	5,850

Source of Cases Opened Fiscal Year 2020



Top 10 ELC Alleged Violations at Opening for Fiscal Year 2020

Violation:	Count
Criminal History	1366
Contracting without license	246
Unlicensed electrical work	101
Evaded responsibility to client	44
Failed to display TECL in advertising	38
Performed in negligent manner	33
Failed to ensure licensed work	25
CE advertisement violation	16
Performed in violation of code	15
Dishonesty, misrepresentation or fraud	12

Case Outcomes	ELC	TDLR
Commission Orders	5	28
Default Orders	76	339
Agreed Orders	47	853
Penalties Assessed	\$349,375.00	\$2,360,451.00
Penalties Collected	\$75,500.00	\$1,296,792.16
Licenses Revoked (Disciplinary)	7	62
Licenses Suspended	1	3
Licenses Denied/Revoked (Criminal History)	106	240
Cease & Desist Orders	9	46
Informally Resolved	1,858	8,365

TOP 10 ELC Violations Resulting in Disciplinary Action for Fiscal Year 2020

Violation:	Count
Criminal History	106
Contracting without license	87
Evaded responsibility to client	4
Failed to pay dishonored check	4
Failed to ensure licensed work	3
Lacks honesty/trustworthiness/integrity	3
Obtained license by fraud	2
Using another's license	2
Performed in violation of local ordinance	2
Performed in negligent manner	2

Case Highlights

- **Benny E. Rodriguez, Sr. – ELC20180001528**

On January 28, 2020 a default order against Respondent Benny E. Rodriguez, Sr. was signed and issued by the Executive Director. Respondent Rodriguez was found to have: 1) contracted to perform electrical contracting without holding the appropriate license; 2) failed to act with honesty and trustworthiness and committed an act of deceit as a licensee; and 3) evaded his responsibility to a client. On September 27, 2017, Respondent was licensed only as a Journeyman Electrician and not as an Electrical Contractor. As a licensee, Respondent acted with deceit and a lack of honesty and trustworthiness while falsely holding himself out as an electrical contractor. Lastly, Respondent evaded his responsibility to the client by not having a permit for the work pulled by a licensee eligible to do so and did not have the work contracted for performed by a properly licensed individual.

There was communication between Respondent Rodriguez and the Department in an effort to settle the matter. However, Respondent failed to sign, return, and make a payment on any settlement agreement sent to him. The default order also included a 6-month suspension of Respondent's Journeyman Electrician license. The suspension ended July 28, 2020. As of October 14, 2020, Respondent had not made any payment to satisfy the \$8,500.00 penalty stated in the default order.

- **Richard S. Ciampa – ELC20170011223**

On July 15, 2020 an agreed order against Respondent Richard S. Ciampa was signed and issued in this case by Deputy Executive Director David Gonzales for the Executive Director. Respondent Ciampa was found to have allowed another person to use his license. Respondent admitted that, after pulling permits for electrical work, he had allowed another individual, Journeyman Electrician Kent Turner, to perform the work. Respondent Ciampa agreed to a penalty of \$2,625.00 for the violation and paid the penalty in full on May 8, 2020.

- **West Texas Solar – ELC20190010941**

On May 1, 2020 an Agreed Order in this case was signed and issued by the Executive Director against Respondent West Texas Solar. Respondent was found to have offered to perform non-exempt electrical contracting work through a website without having an electrical contractors' license. Respondent agreed to a penalty of \$1,500.00 for the violation. Respondent West Texas Solar paid the penalty in full February 28, 2020.

- **Joel Andrew Willis – ELC20200007927**

On July 10, 2020 an Agreed Order for a Restricted License was signed and issued by the Executive Director for Joel Andrew Willis. Licensee Willis was the subject of a criminal history investigation after he applied for an Electrical Apprentice license. The offense for which he was charged and placed on Deferred Adjudication is directly related to the duties and responsibilities of an electrician, as reflected in the criminal conviction guidelines for the Electricians program. The Department received letters of recommendation and rehabilitation certificates supporting Mr. Willis in his bid for licensure. As part of the investigation, the prosecuting attorney interviewed individuals who would be directly supervising Mr. Willis. The information received by the prosecuting attorney led to a recommendation that a restricted license should be conferred to Mr. Willis. The Executive Director, after receiving the prosecuting attorney's recommendation, agreed with the attorney and signed the Agreed Order with the restrictive terms. Under the terms of the Restricted License, Licensee Willis may only work under the direct supervision of one of the named supervisors who is physically present at the job site and may only work on new construction or industrial job sites. It is clearly stated that Licensee Willis must not work at any type of occupied residence or residential facility. The Restricted License is valid for a period of one year as of the date of issuance.

- **Stephen Barron – ELC20200002113**

On March 24, 2020, an Agreed Order was signed by the Executive Director assessing Respondent Stephen Barron an administrative penalty of \$2,000.00 for contracting to perform non-exempt electrical contracting work without holding an electrical contractors' license. Mr. Barron entered into a written contract to perform electrical services on a lot in Concan, Texas. On the date of the contract, April 15, 2019, Mr. Barron did not hold a contractors' license. Mr. Barron agreed to an administrative penalty of \$2,000.00, which he paid in full February 26, 2020.

Education and Examination Division

Staff Report for the Electrical Safety and Licensing Advisory Board

November 10, 2020

Statistics

Examination Statistics
(As of September 30th, 2020)

FY 2021	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	306	0	0	306	-	-	-	0	-	-	-	0	-	-	-	0	306
FAIL	953	0	0	953	-	-	-	0	-	-	-	0	-	-	-	0	953
TOTAL	1259	0	0	1,259	-	-	-	0	-	-	-	0	-	-	-	0	1,259
RATE	24.3%	0.0%	0.0%	24.3%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	24.3%

FY 2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	216	260	242	717	258	234	330	822	234	0	35	269	218	261	289	768	2,578
FAIL	679	762	723	2,164	622	582	707	1,911	438	0	73	511	517	609	754	1,880	6,466
TOTAL	894	1,022	965	2,881	880	816	1,037	2,733	672	0	108	780	735	870	1,043	2,648	9,042
RATE	24.0%	25.4%	25.1%	24.9%	29.3%	28.7%	31.8%	30.1%	34.8%	0.0%	32.4%	34.5%	29.7%	30.0%	27.7%	29.0%	28.5%

Examination by License Type

(As of September 30th, 2020)

1 ST QUARTER					2 ND QUARTER				
SEPTEMBER					DECEMBER				
OCTOBER					JANUARY				
NOVEMBER					FEBRUARY				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE
MASTER CALCULATIONS	55	259	314	17.52%	MASTER CALCULATIONS	-	-	-	0.00%
MASTER NEC	53	203	256	20.70%	MASTER NEC	-	-	-	0.00%
JOURNEYMAN LINEMAN	0	3	3	0.00%	JOURNEYMAN LINEMAN	-	-	-	0.00%
JOURNEYMAN	153	414	567	26.98%	JOURNEYMAN	-	-	-	0.00%
MAINTENANCE	0	1	1	0.00%	MAINTENANCE	-	-	-	0.00%
RESIDENTIAL WIREMAN	25	50	75	33.33%	RESIDENTIAL WIREMAN	-	-	-	0.00%
MASTER SIGN	1	1	2	50.00%	MASTER SIGN	-	-	-	0.00%
JOURNEYMAN SIGN	2	3	5	40.00%	JOURNEYMAN SIGN	-	-	-	0.00%
APPLIANCE INSTALLER	17	17	34	50.00%	APPLIANCE INSTALLER	-	-	-	0.00%
JOURNEYMAN INDUSTRIAL ELE*	0	2	2	0.00%	JOURNEYMAN INDUSTRIAL ELE*	-	-	-	0.00%
TOTAL (ALL)	306	953	1,259	24.31%	TOTAL (ALL)	-	-	-	0.00%
3 RD QUARTER					4 TH QUARTER				
MARCH					JUNE				
APRIL					JULY				
MAY					AUGUST				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE
MASTER CALCULATIONS	-	-	-	0.00%	MASTER CALCULATIONS	-	-	-	0.00%
MASTER NEC	-	-	-	0.00%	MASTER NEC	-	-	-	0.00%
JOURNEYMAN LINEMAN	-	-	-	0.00%	JOURNEYMAN LINEMAN	-	-	-	0.00%
JOURNEYMAN	-	-	-	0.00%	JOURNEYMAN	-	-	-	0.00%
MAINTENANCE	-	-	-	0.00%	MAINTENANCE	-	-	-	0.00%
RESIDENTIAL WIREMAN	-	-	-	0.00%	RESIDENTIAL WIREMAN	-	-	-	0.00%
MASTER SIGN	-	-	-	0.00%	MASTER SIGN	-	-	-	0.00%
JOURNEYMAN SIGN	-	-	-	0.00%	JOURNEYMAN SIGN	-	-	-	0.00%
APPLIANCE INSTALLER	-	-	-	0.00%	APPLIANCE INSTALLER	-	-	-	0.00%
JOURNEYMAN INDUSTRIAL ELE*	-	-	-	0.00%	JOURNEYMAN INDUSTRIAL ELE*	-	-	-	0.00%
TOTAL (ALL)	-	-	-	0.00%	TOTAL (ALL)	-	-	-	0.00%

Continuing Education Course, Provider, and Curriculum

(As of September 30th, 2020)

FY 2021	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
NEW COURSE APPROVAL ISSUES	9	-	-	9	-	-	-	-	-	-	-	-	-	-	-	-	9
TOTAL COURSES	166	-	-	166	-	-	-	-	-	-	-	-	-	-	-	-	166

FY 2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
NEW COURSE APPROVAL ISSUES	12	7	10	29	13	31	20	64	16	15	8	39	4	17	9	30	162
TOTAL COURSES	172	170	170	170	163	168	176	176	165	171	161	161	151	164	165	165	165

Electrician Apprentice Programs

(As of September 30th, 2020)

FY 2021	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
NEW PROVIDER LICENSE ISSUED	2	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-	2
NEW COURSE APPROVALS	0	-	-	0	-	-	-	-	-	-	-	-	-	-	-	-	0
PROVIDER LICENSE RENEWED	31	-	-	31	-	-	-	-	-	-	-	-	-	-	-	-	31
TOTAL APPROVED PROGRAMS	0	-	-	0	-	-	-	-	-	-	-	-	-	-	-	-	0
TOTAL APPROVED COURSE PER YEAR	31	-	-	31	-	-	-	-	-	-	-	-	-	-	-	-	31

FY 2020	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
NEW PROVIDER LICENSE ISSUED	0	0	3	3	0	0	0	0	0	1	1	2	0	1	0	1	6
NEW COURSE APPROVALS	3	4	0	7	1	3	0	4	1	3	1	5	0	0	0	0	16
PROVIDER LICENSE RENEWED	50	50	53	53	53	53	53	53	53	54	55	55	55	55	52	52	52
TOTAL APPROVED PROGRAMS	0	0	3	3	0	0	0	0	0	1	1	1	0	1	0	1	6
TOTAL APPROVED COURSE PER YEAR	50	50	53	53	53	53	53	53	53	54	55	55	55	55	52	52	52

Current Projects

- The NEC 2020 was effective November 1, 2020. We are requiring continuing education courses submitted for approval to reference the NEC 2020. This way, licensees will be learning all current information.
- Beginning November 1, 2020, exams will be referencing the NEC 2020.
- Electrical Exam Review Committee Meeting:
TDLR and PSI held a virtual exam review session on September 22, 2020 to review and approve items to augment the item bank.

COVID-19 Updates

- Exam sites were closed in March and re-opened in May with limited capacity. We worked with PSI to open additional written available at their 3rd party sites. That gave us additional 14 sites bringing a total of 37 exam sites where the written exam is administered.
- Staff worked with our Licensing Division to allow for extensions for those exam candidates that were affected during the exam site closures.
- We are currently working with PSI to provide additional capacity at our written sites while still following State guidelines.

Regulatory Program Management (RPM)

Staff Report for the Electrical Safety and Licensing Advisory Board

November 10, 2020

2020 NEC Reminder

2020 National Electrical Code Became Effective November 1, 2020

The Texas Electrical Safety and Licensing Act requires the Texas Department of Licensing and Regulation (TDLR) to adopt the revised National Electrical Code (NEC) as the electrical code for the state of Texas. On June 30, 2020, the Texas Commission of Licensing and Regulation, which oversees TDLR, adopted amendments to Chapter 73.100 of the Electricians administrative rules and established the 2020 NEC as the "minimum standard" for all electrical work in Texas covered by the Act.

Chapter 1305.201 of the Act provides municipalities the authority to make local amendments to the 2020 NEC; however, any proposal to amend these standards should be done in accordance with NEC 90.4 which stipulates that *"the authority having jurisdiction may waive specific requirements in this Code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety."*

Any non-exempt electrical work started on or after November 1, 2020 must be installed in accordance with the 2020 NEC.

For purposes of clarification, the "start" of electrical work is the day the electrician begins installing electrical materials or equipment within the residential or commercial building structure. **Inside the corporate limits of a municipality**, electricians must abide by city permitting requirements and adhere to any local code amendments.

Beginning November 1, 2020, all examinations for state electrical licenses will be based on the 2020 NEC. The state electrical exams are available through PSI, who has contracted with TDLR to develop, maintain, and administer the state electrician licensing examinations. It is important for license candidates to review the Candidate Information Bulletin (CIB) which contains detailed information regarding the examinations and is vital to understanding the process.

Update on NERA/reciprocity agreements

Texas hosted to 2020 annual NERA meeting virtual thru Webxe on October 19-20, 2020.

Update on 2023 NEC Code Making Panel 17

2023 NEC Panel 17 has started the task group meetings going thru December with the public inputs first draft meeting January 4-9, 2021.

Outreach

There have been no speaking engagements or outside activities due to COVID 19.