LAMP LIGHTER HEARING Electrical Advisory Board

Thursday, November 21, 2019 at 3:30 p.m. Frost Bank Building, 2406 Leopard, Corpus Christi, Texas 3rd Floor Training Room

TRANSCRIPT

24:45: Gamaliel Oliva (Lamp Lighter): Guys, I'm Abram Oliva, with Lamp Lighter Electric.

Gene Delauro (Building Official): I'm going to read into the record the background, if you will. So, on August 13, 2019, at 3622 Dalraida Drive, Development Services Inspector Ruben Hernandez witnessed an unlicensed individual, Mr. Billy Bowman, working on the residential building's electrical system. An electrical permit, R87242E, had been obtained by Lamp Lighter Electric to perform the work.

On August 14, 2019, at 6633 Evans Drive, Development Services Electrical Inspector Ruben Hernandez witnessed twelve unlicensed individuals' working on the commercial building's electrical system. An Electrical permit, C64267E, had been obtained by Lamp Lighter Electric to perform the work.

On August 28, 2019, at 6901 New York Drive, Development Services Inspector Ruben Hernandez witnessed an unlicensed individual, Mr. Juan Garcia, working on the residential building's electrical system. An electrical permit, R77083E, had been obtained by Lamp Lighter Electric to perform the work.

On October 1, 2019, at 1517 Westridge Boulevard, Development Services Inspector Richard Rios witnessed two Texas-licensed electrical apprentices working on the residential building's electrical system without any on-site supervision. An Electrical permit, R85358E, had been obtained by Lamp Lighter Electric to perform the work.

The code violation is City of Corpus Christi Technical Construction Code 14-205 (1) Electrical Licensing Law. A notification was certified mail was mailed to Lamp Lighter Electrical on October 21, 2019. On October 17, 2019 the Electrical Advisory Board met and determined that the violations are sufficient to support further action and set a public hearing on the matter for November 21st, 2019. Staff declines to offer a recommendation in the absence of information to be presented by Lamp Lighter Electrical at this hearing.

And, so Richard and Ruben you were the ones that witnessed these individuals. Can you describe what you saw?

Ruben Hernandez (Electrical Inspector): I guess the first one you read was Dalraida?

Gene Delauro: 3622 Dalraida.

Ruben Hernandez: I don't believe that was Lamp Lighter.

Gamaliel Oliva: No, that's not mine.

coughing, rustling papers, unintelligible

Ruben Hernandez: Can I get a copy?

Kristy Glick (Board Secretary): Yes.

James Hernandez (EAB Chair): So, the first one, August 13 on 3622 Dalraida, you are

stating that is not their job or permit?

cross-talking

Gamaliel Oliva: *unintelligible* ... That wasn't me.

Unknown: *Different contractor?*

cross-talking

Ruben Hernandez: I don't remember who that contractor is. Small guy...

cross-talking

James Hernandez: I'd like to make a motion to drop, remove permit number R87242

from Lamp Lighter's case.

David Carranco: Second.

James Hernandez: All those in favor...

Board Members: Aye.

James Hernandez: Any opposed?

Ruben Hernandez: Ok, do I go on?

James Hernandez: Yes, Sir

Ruben Hernandez: The second one, on August 14, 2019 that's 6633 Evans Drive. I've been over there several times with their inspections, dealing with their foreman on-site. *unintelligible* so I did my inspections, of course. Towards the end of the project I started seeing, I guess, deficiencies in the electrical install and started looking closer and I questioned his workers out there on the site and I asked the foreman how many men he had on site. He said he had eleven electricians. I said ok I need to see everybody, and I got everybody together and I asked each one for their license. And out of all them people

only one guy had a journeyman license. *unintelligible* No apprentices had licenses and like I said, only one journeyman.

Board Member: Out of eleven people? It was eleven people, not twelve?

Ruben Hernandez: Yeah.

Board Member: *unintelligible* only one journeyman?

James Hernandez: Mr. Oliva, have you...

Ruben Hernandez: ...and the foreman did not have a license. *Cross-talk* The foreman

was not the journeyman. One was of the workers was a journeyman.

James Hernandez: Mr. Oliva, have you made steps to...

Gamaliel Oliva: ...yeah, well for one thing the foreman had a journeyman license when

we hired him and he *unintelligible* journeyman license.

James Hernandez: Was it expired at the time?

Gamaliel Oliva: When I hired him he had it, I don't know if it expired, or what.

Ruben Hernandez: It was expired.

Gamaliel Oliva: It was expired? *unintelligible* Well, we didn't hire him just without a license and we had one fella, current license, the journeyman license, we had my son-in-law, Mark Johnson(?), had a license, *unintelligible, coughing* my son has a master license, I have a master license. We were on and off. We had some extra guys there because it was the end of the job and we had some guys cleaning. Those other guys were working *unintelligible*. You got different people doing different things on a job. In this place you had some that *unintelligible* also have those that clean the places and they are not *unintelligible*. So we had, at the end of the job, *unintelligible* at the end of the job we had *unintelligible* of extra people help us to clean and *unintelligible* we were trying to finish the job because Norman knows they were trying to smooth *unintelligible* we were behind. And now we have the guys that we have four journeymen, two master electricians, and all the other guys they're gone who were temporary workers. You know. *unintelligible* were finishing the job, Norman knows that, he was there. And sometimes you need the extra hand *unintelligible* and you know *unintelligible* something and... that's it.

Board Member: So, on August 14, there was, like, nobody licensed?

Gamaliel Oliva: August 14, what was that one?

Board Member: That was the first one.

Gamaliel Oliva: On New York?

Staff: Evans.

Gamaliel Oliva: My son was there, I don't know *unintelligible*. He's a master electrician. **Board Member:** When the inspector showed up he wasn't there because if he knew your son was there, he would have noted it on the notes. Our notes, that we're reading, he wasn't there.

Gamaliel Oliva: But you know, all this has been corrected. The help that we needed *unintelligible* all the time, once in a big while. So they are all gone. They are not helpers. One time we had fifteen electricians from the union, there was, you know, and uh, we couldn't afford how they *unintelligible*.

Board Member: But the day in question you had zero journeymen, zero masters, correct? **Gamaliel Oliva:** No, they were...*cross-talk* One had a journeyman, and the foreman had a journeyman license.

Board Member: Correct me if I'm wrong, but the ratio should be three helpers for one journeyman, correct?

Gamaliel Oliva: Yeah, but the other guys were helpers *unintelligible* cleaning and stuff. Board Member: But *unintelligible* that my rule, *unintelligible* if you're an apprentice, don't you need a license? I mean, you're taking *unintelligible* jobs, doesn't that seem correct? You're taking materials to a job site, so therefore by the rule and definition you're an apprentice.

Gamaliel Oliva: *unintelligible* they were taking it out of the building.

Board Member: But he just said right now they were taking all kinds of material. I'm confused. Doesn't that make you an apprentice?

cross-talk

Board Member: What is this facility at, at 6633 Evans Drive?

Gamaliel Oliva: It's a school.

Board Member: It's a school? Ok, so we had nine people working in a school with children around, installing electrical.

cross-talk

Norman Walters (Chief Electrical Inspector): There were no children at that time; it was under construction.

Gamaliel Oliva: Norm was there doing some of the inspections, and you know, he didn't let us go with anything wrong. I was there, my son was there, sometimes you cannot be there.

Board Member: Ruben, you said you noticed deficiency in the workmanship, *cross-talk* prompted you to make *unintelligible* and all of the deficiencies of an electrical nature *unintelligible*.

Ruben Hernandez: Yes: wire sizes, wire fills, conduit fills, box fills *cross-talk*.

Gamaliel Oliva: We corrected everything when Norman was there the second time to check we did have some, basically *unintelligible*.

Board Member (?): *unintelligible*

Gamaliel Oliva: No, absolutely, you are right.

Norman Walters: If I may, when we first found the pipes that were overloaded, I talked to his son and asked him if this is all the service panels throughout the entire building, and they told us yes. We had them make all the corrections, when I came back the next time, I said let's go through the rest of the building, I found two more locations in closets that they forgot to mention, and they had the same problem.

Board Member: How big is this school, where's it at?

Gamaliel Oliva: Near Weber on Saratoga.

Several: Science, the science school.

Gamaliel Oliva: I remember what Norm was telling us, but I think *unintelligible* because it was in a closet. I mean...

Norman Walters: It wasn't a closed closet; it was like a utility closet.

Board Member: If I can, listening to this *unintelligible* unlicensed workers working on the electrical job that had deficiencies twice, at least, so *unintelligible*.

Board Member: How many red tags were on that job site?

Ruben Hernandez: On that job site? I would think, I want to guess, at the end it was like, three...

Richard Rios (Electrical Inspector): I know I did two.

Norman Walters: There were numerous ones.

cross-talk

Board Member: *unintelligible*

Norman Walters: Yes.

Board Member: *unintelligible*

James Hernandez: Has it since got a C of O or green tag?

Richard Rios: Yes, it finally passed I believe yesterday. The final.

Board Member: The people in there were in violation, but yet they got a C of O?

Norman Walters: No, what they were held up for is they were waiting for the NEC plaque to put on the panels on the outside, so they were operating on a temporary C of O so he could have the kids in there. We were waiting for that data to make sure it was on the main distribution panel that's required by the code. And that's what he wasn't finished up on.

Board Member: *unintelligible* violations?

Norman Walters: They are already- those had already been cleared at that time.

Board Member: Is this like a pretty complicated project compared to other things that get inspected? I mean, it's a school, it's got a lot of different things going on, but would it be just a standard thing that any master electrician shouldn't have issues with?

Norman Walters: Any master electrician should have been aware of some of those problems, yes.

Board Member: Is it normal that the City go back-and-forth with these contractors to get things corrected?

Norman Walters: Yes, if there's a violation type of deal, we'll return as many times as necessary-

Board Member: -Yeah, no, I'm not questioning that, I'm just, I mean...

Board Member: I think I can answer in defense of the City, is that, you know, their inspectors are there to help us-

Board Member: -Yeah, I'm not questioning the City, I'm just, is it normal for the City to have to keep going back-and-forth to get people to get the quality you're that looking for? **Norman Walters:** It's not uncommon, no.

James Hernandez: I'd like to make a motion for the gross negligence and the, um, *cross-talk* misconduct, or incompetency. If I could get a second?

Board Member, Lyndon Smiling (Board Member): I second.

Kristy Glick: Wait... Give it to Lyndon? Ok, so, vote on whether to find them in violation for permit number C64267E at 6633 Evans Drive; I'll call your name, say aye if you agree, and nay if you don't. Paul Cervantes?

Paul Cervantes: Aye.

Kristy Glick: William Ashcraft?

William R. Ashcraft: Aye.

Kristy Glick: John McMullan?

John McMullan: Aye.

Kristy Glick: David Carranco?

David Carranco: Aye.

Kristy Glick: Lyndon Smiling?

Lyndon E. Smiling: Aye.

Kristy Glick: *James Hernandez?*

James Hernandez: No vote.

Kristy Glick: No vote. Ok, motion passes.

cross-talk

James Hernandez: Gene, if you could read the second one?

Gene Delauro: Sure. On August 28, 2019, at 6901 New York Drive, Development Services Inspector Ruben Hernandez witnessed an unlicensed individual, Mr. Juan Garcia, working on the residential building's electrical system. An electrical permit, R77083E, had been obtained by Lamp Lighter Electrical to perform the work.

Gamaliel Oliva: We need, he does have a license and the number is 18027, expires 8/16/2020. *cross-talk* It was a journeyman license, one person *unintelligible*.

Board Member: So, he didn't have it on his person? He didn't have it on him, his license, is that what the case is?

Gamaliel Oliva: I don't know if he had it at home *cross-talk* He has it and I gave you the number.

Board Member: What was that number again?

Ruben Hernandez: When I asked for the license, he said he did not have one. He showed me his driver's license.

Board Member: It is a violation, he wasn't licensed during *cross-talk*...

Gamaliel Oliva: He didn't have it in his possession, but he had it, and that's the number, numbers don't lie, his number is 18027.

Board Member: When you *unintelligible* what was he doing?

Ruben Hernandez: He was inside working on... I did not see him at first, I went in there for a final inspection and he was walking around and I looked in this room and saw wires coming out of the wall and I'm thinking "What's going on here?" Then he came up behind me and I asked him if he was working on that and he said, "Yeah, I was working on this, but he's not finished," okay. Then I asked him for his license...

Board Member: *unintelligible*

Ruben Hernandez: I'm sorry, I correct that, it was a service release.

Gamaliel Oliva: At that moment Alex was with him, he went to the store also.

Board Member: I mean, an unlicensed person working on a service release on a new

house?

Ruben Hernandez: He was working inside the house. A new house, yes.

Board Member: Plugs, switches..?

Gamaliel Oliva: But he had a license. It wasn't on him, but he had a license.

Board Member: Was that an apprentice license or a journeyman license?

Gamaliel Oliva: No, it is a journeyman license, I gave him the number.

Board Member: Yeah, I got that. Did he have his license not on him at the time?

Gamaliel Oliva: I, I, no he has um *unintelligible*. Days pass by...several people you

know *unintelligible*

Board Member: *crosstalk* I check mine, I was asking *crosstalk*

Gamaliel Oliva: Everyday?

Board Member: Everyday, I got 3 of them.

Board Member: I carry mine. I carry mine right now. *crosstalk*

Board Member: Are you a journeyman?

Gamaliel Oliva: Yes, you're right.

Board Member: Are there any more questions from the Board?

Board Member: I'd like to make a motion. Um, one more question, do you have any

proof, besides what you're telling us that this man Juan Garcia wasn't licensed?

unintelligible

Board Member: No, we found it on the phone but what he's asking for is like the license

from that individual or

Gamaliel Oliva: Of the moment? No, I I um moment *crosstalk* I discuss with him, he has it, he carries it around but *crosstalk* he was there with it. He was there when he went to the store.

Board Member: Are you a journeyman or an apprentice?

Witness: I am sir, yes sir.

Board Member: A journeyman?

Board Member: So, 2 journeymen have a house? *crosstalk* Um, we can table this and then bring Mr. Oliva back with that proof. Um, what did you look up? So, um I when I did look it up and there was a Juan Maldo Juan Garcia uh but that is a common name. *crosstalk* So, there's nothing to it uh. What they're asking for Mr. Oliva is if that Electrician has his license now and if he has proof he can show us uh for it.

Gamaliel Oliva: We have a copy on the phone.

Board Member: That's what they're uh mentioning on the Board is that uh it's a common

name

Gamaliel Oliva: Oh.

Board Member: And so we just want to make sure it wasn't somebody that matched

names and

Gamaliel Oliva: Yea yea, no problem *unintelligible*

Commenter: Did Juan Garcia have dark glasses?

Commenter: Uh, I want to say he had a Mexico license if I remember correctly.

Commenter: Carrying it on him or did he have a wallet or anything?

Commenter: I'm sorry.

Commenter: Did he have a wallet or?

Commenter: Yea, he pulled a wallet. *crosstalk* That's what he provided.

Board Member: Is that any of the individuals that were up on the first job?

Commenter: No, no, no, no, no, no.

Board Member: Ok, I'd like to make a motion to the Board if Lamplighter is guilty of

incompetence, gross negligence or misconduct.

Board Member: Second.

Kristy Glick: Ok, so on the case for permit number R77083E at 6901 New York Drive, I'll call your name and say aye if you agree and you find them in violation, and nay if you

do not. Paul Cervantes?

Paul Cervantes: Aye.

Kristy Glick: William Ashcraft?

William R. Ashcraft: Aye.

Kristy Glick: John McMullan?

John McMullan: Aye.

Kristy Glick: David Carranco?

David Carranco: Aye.

Kristy Glick: Lyndon Smiling?

Lyndon E. Smiling: Nay.

Kristy Glick: James Hernandez?

James Hernandez: No vote.

Kristy Glick: Ok, motion passes.

Gene Delauro: On October 1, 2019, at 1517 Westridge Boulevard, Development Services Inspector Richard Rios witnessed 2-Texas licensed electrical apprentices working on a residential building's electrical system without any on-site supervision. An electrical permit of 85358E had been obtained from Lamplighter Electrical to perform the work. Richard could you describe what you witnessed.

Richard Rios: I witnessed one gentleman making joints at a switch box and another one basically trying to *unintelligible* ...to send it to a different location.

Board Member: Was this a rental?

Richard Rios: Yes, it is a ready home *unintelligible*.

Board Member: Mr. Oliva, did you have *crosstalk*?

Gamaliel Oliva: *unintelligible* Well, um my...but from the, he told me the happens that uh Mr. Rios come by and uh he didn't even go in the house. That uh he had just get left for the store. He said he was coming back and he said didn't listen to him or nothing. *unintelligible* that's what happened.

Board Member: I'm sorry, I guess what happened is he found him working at the house.

Inside the house.

Gamaliel Oliva: Did he go in?

Board Member: Inside the house.

Gamaliel Oliva: Did he go inside the house? *crosstalk*

Commenter: *crosstalk* this is not the first time. **Board Member:** Any questions for the Board?

Board Member: Uh, I'd like to make a motion for Lamplighter Electric on 1517 Westridge uh that, I forgot, that gross negligence, misconduct or incompetency. Is there a second?

Board Member: Second.

Kristy Glick: Ok, so I'll do a roll call vote. Please say aye if you agree, nay if you do not.

Paul Cervantes?

Paul Cervantes: Aye.

Kristy Glick: William Ashcraft?

William R. Ashcraft: Aye.

Kristy Glick: John McMullan?

John McMullan: Aye.

Kristy Glick: David Carranco?

David Carranco: Ave.

Kristy Glick: Lyndon Smiling?

Lyndon E. Smiling: Aye.

Kristy Glick: *James Hernandez*?

James Hernandez: No vote.

Kristy Glick: Motion passes.

Board Member: Are we going to do these individually?

Buck Brice: Sometimes Boards do them altogether *unintelligible* I recommend all

together.

Commenter: Take it to the Board?

Board Member: An aye or nay vote, on if you want to do all three together or individually.

Board Members: Together, together, together...aye, aye *unintelligible* any names?

The ayes passes. Next is uh part of the punishment to suspend or revoke.

Commenter: So, are those the only 2-choices you have? Suspending?

Buck Brice: Yes....again the suspension is anywhere from 0-1 and revocation is from 1-

3 years

Commenter: *unintelligible*

Buck Brice: Suspend is 0-1 year and revocation is 1-3 years *unintelligible *.

Board Member: Mr. Oliva, I guess before we vote, would you like to say anything on your

behalf?

Gamaliel Oliva: Uh, well, I've been in business almost 40 years you know. Maybe *unintelligible* we just got a big job. *unintelligible* it's not necessarily what happened.

Board Member: From this point on, would you make actions to correct

Gamaliel Oliva: No, no they already have *unintelligible*. I guess you learn your lesson *unintelligible*. I do not want to repeat, I have the names of those who worked for me Alex, Mark, my son-in law, *unintelligible*. Sometimes you have to finish a job *unintelligible* things that happen in life. I been 40 years doing this *unintelligible*. You don't get some money if you don't finish. We hope nothing happen again *unintelligible*.

Gamaliel Oliva: Ah, well the foreman actually when we do that he didn't have a journeyman license *unintelligible*.

crosstalk

Board Member: I am recusing myself because I do know you Mr. Oliva uh but the Vice-Chair will take over from there *crosstalk*.

Board Member: It's sad, because I'm a Master Electrician and so is James. We are here because *unintelligible* we care about the City of Corpus *unintelligible* we want a safe product *unintelligible* I'm going to recommend not to revoke your license, but I am going to recommend suspension cause I think that your company *unintelligible* multiple violations and I think that's the problem here and as a Master you should be more accountable for your guys and like I said, I am going to recommend suspension. *crosstalk*. I make a motion to recommend suspension from Lamplighter license.

Board Member: Second.

Kristy Glick: Um, Paul Cervantes?

Board Member: So, before we vote, can I just....so, we think this is serious enough that

it's gonna happen now? Now I don't enough about electrical contracting work.

Board Member: If it was 1-violation, I could see saying don't do it, but this is a multiple repeat, something has to be done. In my opinion.

Commenter: And given the fact that 2-different inspectors found violations and if we don't, as a Board, we've gotta step up and back you guys up because if not it will give them credibility *unintelligible* all that stuff matters.

Commenters: Back when I was a helper, not to interrupt, I was scared of the Inspector. I remember going oh wow, here comes the Inspector, I was scared, I'm being honest. The whole thing with the licensing, they go take the test with the State and then the City use to have one and that's what they; basically, *unintelligible* make your Contractor do what you're supposed to be doing. In a perfect world, we wouldn't need Inspectors. I can tell you that just working with the *unintelligible* the company I work for, they stay on top of us, constantly State licensed, up to date, monthly. This is something that does need to be corrected and action does need to be taken today.

Kristy Glick: Ok, so we have a motion and second for suspending their registration. So, as I call out your name vote aye to approve suspension or nay to not approve.

Paul Cervantes: Aye.

Kristy Glick: William Ashcraft?

William R. Ashcraft: Aye.

Kristy Glick: John McMullan?

John McMullan: Aye.

Kristy Glick: David Carranco?

David Carranco: Aye.

Kristy Glick: Lyndon Smiling?

Lyndon E. Smiling: Aye.

Kristy Glick: and then James is abstaining.

Kristy Glick: Motion passes. So now you are going to determine how long to suspend

the registration?

Board Member: I make a motion, again I'm in the same boat as everyone *unintelligible*.

In my opinion, I would say 6-months suspension.

Gamaliel Oliva: Excuse me, I didn't hear you.

Board Member: I said I can appreciate the fact that everybody needs to make money and they need to have a livelihood and that's the reason I would vote to suspend, not to revoke, your license and I would offer up a 6-months suspense on your license.

Kristy Glick: Corrected and added *Registration with the City.*

Board Member: Registration with the City.

Gamaliel Oliva: Could you make it less, 3-months or so.

Board Member: *unintelligible* I second it.

Kristy Glick: Ok, so there's a motion and second so I'll do a roll call vote, so if you are in favor of the 6-month suspension vote aye, if you are not in favor of the 6-month suspension vote nay.

Paul Cervantes: Aye.

Kristy Glick: William Ashcraft?

William R. Ashcraft: Aye.

Kristy Glick: John McMullan?

John McMullan: Aye.

Kristy Glick: David Carranco?

David Carranco: Aye.

Kristy Glick: Lyndon Smiling?

Lyndon E. Smiling: Aye.

Kristy Glick: Ok, the 6-month suspension passes.

^{*}crosstalk*