



AGENDA MEMORANDUM

Action Item for the City Council Meeting of February 18, 2020

DATE: January 14, 2020

TO: Peter Zaroni, City Manager

FROM: Al Raymond, Director Development Services
alraymond@cctexas.com
(361) 826-3276

<p>Appeal of Electrical Advisory Board's Suspension of Lamp Lighter Electrical Contractor's City Electrical Registration</p>

CAPTION:

City Council consideration of an appeal of Lamp Lighter Electrical Contractor's six-month suspension of City electrical registration approved by the Corpus Christi Electrical Advisory Board on November 21, 2019; with possible action in the form of a denial of the appeal, modification of Board's decision or reversal of Board's decision.

SUMMARY:

The purpose of this appeal is to determine whether to uphold, modify, or reverse the six-month suspension of the Lamp Lighter Electrical Contractor's City electrical registration approved by the Corpus Christi Electrical Advisory Board on November 21, 2019.

BACKGROUND AND FINDINGS:

On August 14, 2019, City Inspector Rueben Hernandez performed an electrical inspection at 6633 Evans Drive. Inspector Hernandez observed numerous deficiencies in the electrical work and a total of eleven individuals performing electrical work on site. Mr. Oliva stated his foremen had a Texas journeymen's license when he was hired and was unaware his license was expired. Staff determined not one of the eleven individuals have a valid Texas electrical license at the time of our inspection. Mr. Oliva stated extra men were on the job site cleaning and not every individual on the job site was performing electrical work. The Board asked Mr. Oliva if it was true that no Texas licensed electricians were on the job site. Mr. Oliva reiterated the foremen is a Texas journeyman electrician and he was unaware the license had expired. The Board asked Mr. Oliva if he was aware the required supervision ratio is three electrical apprentices to one journeyman electrician. Mr. Oliva repeated all other individuals were only cleaning. Inspector Hernandez stated he observed numerous electrical deficiencies with the electrical work. Chief Electrical Inspector Norm Walters stated he observed multiple service panels with overloaded

conduit. A total of five correction notices were provided to Lamp Lighter Electrical for the work. The Board unanimously passed a motion finding Lamp Lighter Electrical in violation of City of Corpus Christi Code of Ordinances, Section 14-206, Subsection 2.6.1.3, "Any gross negligence, incompetency, or misconduct in the performance of electrical work within the jurisdiction of the city."

On August 28, 2019, City Inspector Ruben Hernandez performed a service release inspection at 6901 New York Drive and observed electrical work in progress. Mr. Hernandez questioned the electrician on site, Mr. Juan Garcia, who stated he did not have an electrical license. Mr. Oliva claimed that Mr. Garcia has a Texas Electrical Journeyman's license (TX# 18027). However, staff determined during the hearing the journeymen's electrical license presented by Mr. Olivia for Mr. Juan Garcia is not an employee of Lamp Lighter Electrical. The electrical license was issued to Mr. Juan Garcia who is an employee of Cervantes Electric, Inc., a company owned by Board member Paul Cervantes. The Board passed a motion finding Lamp Lighter Electrical in violation of City of Corpus Christi Code of Ordinances, Section 14-206, Subsection 2.6.1.3, "Any gross negligence, incompetency, or misconduct in the performance of electrical work within the jurisdiction of the city."

On October 1, 2019, City Inspector Richard Rios performed an electrical rough inspection at 1517 Westridge Boulevard and witnessed an unlicensed individual working on the building's electrical system. Mr. Oliva stated his son, a Texas master electrician, was supervising the work but had temporarily left the site when Inspector Rios arrived. The Board unanimously passed a motion finding Lamp Lighter Electrical in violation of City of Corpus Christi Code of Ordinances, Section 14-206, Subsection 2.6.1.3, "Any gross negligence, incompetency, or misconduct in the performance of electrical work within the jurisdiction of the City."

The Board deliberated on disciplinary action for all three allegations. A motion to suspend the City electrical contractor registration for Lamp Lighter Electrical for a period of six-months was passed unanimously, with one abstention, during the November 21, 2019 regular meeting.

On December 11, 2019, Lamp Lighter Electrical Contractor filed appeal of Electrician Registration suspension. Suspension stayed for appeal.

ALTERNATIVES:

Possible Motions for City Council consideration:

- A. Motion to deny the Appellant's appeal {thereby Lamp Lighter Electrical Contractor's would complete suspension ending July 18, 2020}.
- B. Motion to modify the Board's Decision {Electrical Registration may be suspended up to one year and Electrical Registration may be revoked for a term between one and three years}.
- C. Motion to reverse the Board's Decision {Finding of not guilty and no suspension or revocation}

FINANCIAL IMPACT:

This item has no financial impact to the City.

RECOMMENDATION:

Staff recommends denial of the appeal. The use of unlicensed and/or unsupervised electrical workers: (1) is a violation of Texas Department of License & Regulation & City of Corpus Christi regulations; (2) creates an unacceptable safety risk to building occupants and the public; and (3) creates an unfair business advantage over a company operating in accordance with the rules.

LIST OF SUPPORTING DOCUMENTS:

Transcript of Electrical Advisory Board Meeting November 21, 2019
Notice of Board Hearing – Lamp Lighter Electrical
Mr. Gamaliel S. Oliva's Appeal
Presentation – Lamp Lighter Appeal