

Electrical Safety and Licensing Advisory Board Compliance Division – Staff Report

November 2, 2017



Monthly “Licensing Sweeps”

Due to the hurricane damage in Texas the Licensing Sweeps have been put on hold to assist The Building Officials Association of Texas (BOAT) with damage assessment in the affected areas. The damage assessment is to help the affected areas to be able to get the rebuilding process on a fast track to recovery for Texans and Texas. The licensing sweeps will be started back up again soon to curtail the unlicensed active in Texas.



TDLR 2017 Compliance Staff Meetings (Other Notable Activities)

- 07/18: 2017 NEC training presented by NFPA and TDLR in Irving, TX.
- 07/20: 2017 NEC training presented by NFPA and TDLR in Austin, TX.
- 08/07- 09: Electrical Inspector Standards Development, NFPA in Atlanta, GA.
- 08/30–09/01: Damage Assessment for BOAT in Aransas Pass/Rockport area.
- 09/06: Damage Assessment for BOAT in Houston/Galveston area.
- 09/07: Damage Assessment for BOAT in Flatonia/La Grange area.
- 09/13: Damage Assessment for BOAT in Vidor/Orange/Bridge City area.
- 10/03–05: Exam development for new JI exam in Austin, TX.
- 10/31: NFPA code panel training for code panel 17 for the 2020 NEC.
- 11/01: Presented at BPI in Austin, TX.

Concerns from the Texas Electrical Industry

We are still hearing concerns from members of the Texas electrical industry that some electrical contractors as well as some electricians may not be abiding by state requirements. All electricians must remember:

- To display their Texas Electrical Contractor License (TECL#) number and Company Name on both sides of all vehicles used in conducting electrical work.
- To include TDLR Contact Information on all invoices and proposals as well as TECL #.
- To “perform or offer to perform electrical work” you must hold the appropriate TECL license.
- All electrical equipment must be "listed" per Article 110.3(B) of the NEC, unless the local authority having jurisdiction has amendments that would supersede these requirements.
- Working with an Expired License is the same as unlicensed activity, and you cannot offer to perform or perform with an expired license.
- A Texas Electrical Contractor License (TECL) is not valid if there is no Master Electrician attached to the license; there cannot be any offer or performing of electrical work.





2017 NEC Is Now the State Electrical Code for Texas

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. In August 2017, the Texas Commission of Licensing and Regulation, which oversees TDLR, adopted amendments to Chapter 73.100 of the Electricians Administrative Rules and established the 2017 NEC as the "minimum standard" for all electrical work in Texas covered by the Act. The effective date was **September 15, 2017**.

Chapter 1305.201 of the Act provides municipalities the authority to make local amendments to the 2017 NEC; however, any proposal to amend these standards should be done in accordance with NEC 90.4 which stipulates "***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.***"

*Expectations are that **any non-exempt electrical work started on or after September 15, 2017 will have to be installed in accordance with the 2017 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.

Since October 1, 2017, all examinations for state electrical licenses have been based on the 2017 NEC. The state electrical exams are available through PSI, who contracts with TDLR to develop, maintain, and administer the state electrician licensing examinations. **It is very 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.

ELECTRICAL SAFETY & LICENSING ADVISORY BOARD

Enforcement Division Staff Report November 2, 2017

Case Highlights

- On or about August 23, 2017 a Default Order was entered against Nathan Pelham resulting in a penalty of \$6,000 being assessed and his apprentice electrician license being revoked. Mr. Pelham was cited altering a license and using the license of another person. Mr. Pelham on two occasions provided an employer with a license that represented that he was a journeyman electrician when he only held an apprentice electrician license. Furthermore, Mr. Pelham was using a license number to gain employment that did not belong to him. Notices were sent to Mr. Pelham, but he failed to respond to all attempts to contact him.
- On or about September 15, 2017, an Agreed Order was entered with E-Con Group, LLC resulting in a \$5,250 administrative penalty. Respondent in this case entered into two separate contracts to perform electrical work for the Edinburg ISD. At the time of the contract, Respondent was not licensed as an electrical contractor and therefore could not offer to perform electrical work. Respondent entered into an Agreed Order with the Department and paid the penalty in full.
- On or about July 25, 2017, an Agreed Order was entered against Brian Frazier resulting in an administrative penalty of \$2,625. Mr. Frazier used the license of another to pull electrical permits to perform electrical work without being licensed as an Electrical contractor. Respondent entered into an Agreed Order with the Department and paid the penalty in full.
- On or about July 26, 2017 a Default Order was entered against Edgar Perez resulting in a \$5000 administrative penalty being assessed. Mr. Perez was found to have signed numerous applications for apprentice licenses with differing information in successive years. The resulted in Mr. Perez obtain license by fraud. In addition to the administrative penalty being assessed, Mr. Perez's license was revoked. Notices were sent to Mr. Perez; however, no respond was returned by Mr. Perez.
- On or about August 18, 2017, Mr. Rutiaga had his application for an apprentice electrician denied by a Commission Order. Mr. Rutiaga, applied for an apprentice electrician license. During the criminal history review, it was determined that several guideline crime would prohibit Mr. Rutiaga for holding this license. After issuing the initial denial letter, Mr. Rutiaga appealed the denial to the State Office of Administrative Hearing (SOAH). The SOAH court issued a proposal for decision that recommended the Commission deny the application. At the Commission Hearing, the Commissioners agreed with the SOAH Court's recommendation to deny the application.

Stings

- From June 5 thru 8, Enforcement investigators conducted an undercover sting operation in Alamo, Texas; which is located in the Rio Grande Valley area. The purpose of the sting was to catch unlicensed electrical and air conditioning contractors offering to perform services without a license. Local news media CBS affiliate Channel 5 News was on hand to place hidden cameras throughout the vacant commercial lease space where the sting was conducted. The Department has opened 44 cases against persons for offering to perform without a license.
- On July 18 and 19, Enforcement investigators conducted an undercover sting operation in Sour Lake, Texas; which is located in east Texas. The purpose of the sting was to catch unlicensed electrical and air conditioning contractors offering to perform services without a license. Based on advertisements of individuals offering to perform electrical services placed in Craigslist, southeasttexas.com, homeadvisor.com, thumbtack, and Beaumont.com; a total of 22 leads were contacted. Out of the 22 possible leads, a total of 13 cases were opened against the individuals who placed the advertisements, and then gave a written bid to the undercover investigators during the course of the sting.

Key Statistics – Fiscal Year 2017

Shown below are key statistics for the Electrician program and for all TDLR programs combined for Fiscal Year 2017.

<u>Statistic</u>	<u>ELC</u>	<u>TDLR</u>
• Number of cases opened:	2,505	12,054
• Number of cases resolved:	2,458	12,405
• Number of Agreed Orders:	81	2,309
• Total amount of penalties assessed:	\$673,750	\$5,250,179
• Total amount of penalties collected:	\$126,020	\$2,571,950

**ELECTRICAL SAFETY AND LICENSING ADVISORY BOARD
NOVEMBER 2nd, 2017**

DIVISION PROJECTS AND UPDATES

EDUCATION, EXAMINATION, AND SCHOOL SERVICES

Examination Review Committee

Governor Abbott signed into law, HB 1698, relating to the licensing and regulation of a journeyman industrial electrician license. The ERC met on October 3rd-5th, 2017 to begin creating the examination.

TOTAL E-MAIL ANSWERED BY EESS STAFF
(as of August 31, 2017)

MONTH	FY2017	FY 2016	FY 2015
September	1,158	1,389	
October	1,263	1,060	
November	744	996	
December	653	760	
January	955	1,060	
February	974	1,047	
March	1,463	994	
April	981	966	
May	1,140	1,061	
June	1,747	911	
July	804	767	835
August	1,266	1,123	1,104
TOTAL	13,148	12,134	1,939

PERSONNEL UPDATES



On September 1st, we welcomed Lisa McDonald to E&E from Compliance. Lisa has been with the TDLR for 9 years. Lisa worked as a Program Specialist for the Service Contract Providers, Property Tax Professionals, Property Tax Consultants, Polygraph Examiners, Professional Employer Organizations, For-Profit Legal Services programs.

EDUCATION AND EXAMINATION STATISTICS AND TRENDS

ELECTRICIAN EXAMINATION STATISTICS (AS OF AUGUST 31, 2017)

FY 2017	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	220	255	213	688	236	177	259	672	283	287	267	837	275	354	393	1,022	3,219
FAIL	400	460	462	1,322	445	329	424	1,198	527	475	477	1,479	484	559	728	1,771	5,770
TOTAL	620	715	675	2,010	681	506	683	1,870	810	762	744	2,316	759	913	1,121	2,793	8,989
RATE	35.5%	35.7%	31.6%	34.2%	34.7%	35.0%	37.9%	35.9%	34.9%	37.7%	35.9%	36.1%	36.2%	38.8%	35.1%	36.6%	35.8%
FY 2016	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	187	187	176	550	151	153	238	542	229	227	223	679	206	224	193	623	2,394
FAIL	383	373	338	1,094	341	336	459	1,136	472	454	405	1,331	420	372	332	1,124	4,685
TOTAL	570	560	514	1,644	492	489	697	1,678	701	681	628	2,010	626	596	525	1,747	7,079
RATE	32.8%	33.4%	34.2%	33.5%	30.7%	31.3%	34.1%	32.3%	32.7%	33.3%	35.5%	33.8%	32.9%	37.6%	36.8%	35.7%	33.8%
FY 2015	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
PASS	238	237	233	708	199	168	228	595	245	244	242	731	185	173	184	542	2,576
FAIL	320	256	266	842	204	209	299	712	340	324	329	993	364	321	379	1,064	3,611
TOTAL	558	493	499	1,550	403	377	527	1,307	585	568	571	1,724	549	494	563	1,606	6,187
RATE	42.7%	48.1%	46.7%	45.7%	49.4%	44.6%	43.3%	45.5%	41.9%	43.0%	42.4%	42.4%	33.7%	35.0%	32.7%	33.7%	41.6%

**ELECTRICIAN EXAMINATION BY LICENSE TYPE
(AS OF AUGUST 31, 2017)**

SEPTEMBER - - OCTOBER - - NOVEMBER					1 ST QUARTER					DECEMBER - - JANUARY - - FEBRUARY					2 ND QUARTER				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE					
MASTER	168	295	463	36.29%	MASTER	166	278	444	37.39%	MASTER	166	278	444	37.39%					
JOURNEYMAN LINEMAN	0	2	2	0.00%	JOURNEYMAN LINEMAN	2	8	10	20.00%	JOURNEYMAN LINEMAN	2	8	10	20.00%					
JOURNEYMAN	423	748	1,171	36.12%	JOURNEYMAN	384	718	1,102	34.85%	JOURNEYMAN	384	718	1,102	34.85%					
MAINTENANCE	3	10	13	23.08%	MAINTENANCE	1	5	6	16.67%	MAINTENANCE	1	5	6	16.67%					
RESIDENTIAL WIREMAN	40	133	173	23.12%	RESIDENTIAL WIREMAN	47	73	120	39.17%	RESIDENTIAL WIREMAN	47	73	120	39.17%					
MASTER SIGN	5	6	11	45.45%	MASTER SIGN	3	5	8	37.50%	MASTER SIGN	3	5	8	37.50%					
JOURNEYMAN SIGN	2	14	16	12.50%	JOURNEYMAN SIGN	9	19	28	32.14%	JOURNEYMAN SIGN	9	19	28	32.14%					
APPLIANCE INSTALLER	47	114	161	29.19%	APPLIANCE INSTALLER	60	92	152	39.47%	APPLIANCE INSTALLER	60	92	152	39.47%					
TOTAL (ALL)	688	1,322	2,010	34.23%	TOTAL (ALL)	672	1,198	1,870	35.94%	TOTAL (ALL)	672	1,198	1,870	35.94%					
MARCH - - APRIL - - MAY					3 RD QUARTER					JUNE - - JULY - - AUGUST					4 TH QUARTER				
LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE	LICENSE TYPE	PASS	FAIL	TOT	RATE					
MASTER	214	277	491	43.58%	MASTER	300	377	677	44.31%	MASTER	300	377	677	44.31%					
JOURNEYMAN LINEMAN	2	7	9	22.22%	JOURNEYMAN LINEMAN	2	11	13	15.38%	JOURNEYMAN LINEMAN	2	11	13	15.38%					
JOURNEYMAN	471	927	1,398	33.69%	JOURNEYMAN	593	1,131	1,724	34.40%	JOURNEYMAN	593	1,131	1,724	34.40%					
MAINTENANCE	1	3	4	25.00%	MAINTENANCE	1	8	9	11.11%	MAINTENANCE	1	8	9	11.11%					
RESIDENTIAL WIREMAN	59	114	173	34.10%	RESIDENTIAL WIREMAN	48	128	176	27.27%	RESIDENTIAL WIREMAN	48	128	176	27.27%					
MASTER SIGN	7	6	13	53.85%	MASTER SIGN	8	7	15	53.33%	MASTER SIGN	8	7	15	53.33%					
JOURNEYMAN SIGN	7	12	19	36.84%	JOURNEYMAN SIGN	5	11	16	31.25%	JOURNEYMAN SIGN	5	11	16	31.25%					
APPLIANCE INSTALLER	76	133	209	36.36%	APPLIANCE INSTALLER	65	98	163	39.88%	APPLIANCE INSTALLER	65	98	163	39.88%					
TOTAL (ALL)	837	1,479	2,316	36.14%	TOTAL (ALL)	1,022	1,771	2,793	36.59%	TOTAL (ALL)	1,022	1,771	2,793	36.59%					

**ELECTRICIAN CONTINUING EDUCATION COURSE, PROVIDER, AND CURRICULUM STATISTICS
(AS OF AUGUST 31, 2017)**

FY 2017	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVAL ISSUED	4	9	13	26	16	20	11	47	15	11	7	33	12	6	12	30	136
TOTAL COURSES	157	156	159	159	146	146	134	134	133	141	137	137	143	139	142	142	142
*NOTE: Currently, there are 105 Electrician Continuing Education Providers.																	
FY 2016	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVAL ISSUED	5	8	15	28	35	11	24	70	15	4	8	27	12	7	13	32	157
TOTAL COURSES	142	146	149	149	170	159	162	162	158	156	157	157	164	159	157	157	157
FY 2015	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
COURSE APPROVAL ISSUED	12	9	11	32	14	21	22	57	22	3	6	31	9	10	11	30	150
TOTAL COURSES	160	160	161	161	64	156	156	156	160	149	145	145	150	145	147	147	147

ELECTRICIAN LICENSING STATISTICS NOVEMBER 2, 2017

MASTER ELECTRICIANS

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Licenses Issued	626	677	848
Renewed Licenses Issued	14,798	15,102	15,423
Online Renewals	14,607	14,961	15,291
% Renewed Online	98%	99%	99%
Total Population	15,550	15,979	16,548

MASTER SIGN ELECTRICIANS

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Licenses Issued	15	22	24
Renewed Licenses Issued	485	487	493
Online Renewals	481	483	488
% Renewed Online	99%	99%	98%
Total Population	502	513	528

JOURNEYMAN ELECTRICIANS

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Licenses Issued	1,725	1,418	2,089
Renewed Licenses Issued	31,934	32,227	32,147
Online Renewals	31,441	31,803	31,797
% Renewed Online	98%	98%	98%
Total Population	34,546	34,786	35,353

JOURNEYMAN SIGN ELECTRICIANS

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Licenses Issued	16	54	23
Renewed Licenses Issued	319	302	302
Online Renewals	319	300	302
% Renewed Online	100%	99%	100%
Total Population	357	352	353

JOURNEYMAN LINEMAN ELECTRICIANS

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Licenses Issued	5	10	6
Renewed Licenses Issued	0	3	16
Online Renewals	0	0	16
% Renewed Online	0	0	100%
Total Population	6	19	21

MAINTENANCE ELECTRICIANS

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Licenses Issued	11	9	6
Renewed Licenses Issued	1,106	1,059	999
Online Renewals	1,095	1,049	991
% Renewed Online	99%	99%	99%
Total Population	1,171	1,130	1,065

RESIDENTIAL WIREMEN

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Licenses Issued	123	146	193
Renewed Licenses Issued	1,120	1,182	1,181
Online Renewals	1,091	1,155	1,159
% Renewed Online	97%	97%	98%
Total Population	1,330	1,409	1,477

APPRENTICES

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Licenses Issued	27,582	32,749	32,482
New Licenses Issued Online	26,125	31,456	31,379
Renewed Licenses Issued	28,808	31,711	34,696
Online Renewals	28,319	29,010	34,247
% Renewed Online	98%	91%	98%
Total Population	62,278	70,902	75,178

SIGN APPRENTICES

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Licenses Issued	1,295	1,514	1,444
New Licenses Issued Online	1,272	1,497	1,420
Renewed Licenses Issued	416	474	584
Online Renewals	410	472	581
% Renewed Online	98%	99%	99%
Total Population	1,969	2,166	2,247

ELECTRICAL CONTRACTORS

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Licenses Issued	761	885	949
Renewed Licenses Issued	8,087	8,361	8,672
Online Renewals	7,932	8,240	8,574
% Renewed Online	98%	98%	98%
Total Population	8,842	9,317	9,755

ELECTRICAL SIGN CONTRACTORS

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Licenses Issued	53	52	57
Renewed Licenses Issued	431	463	466
Online Renewals	425	457	462
% Renewed Online	98%	98%	99%
Total Population	485	520	536

RESIDENTIAL APPLIANCE INSTALLERS

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Licenses Issued	245	230	243
Renewed Licenses Issued	1,327	1,508	1,523
Online Renewals	1,226	1,504	1,516
% Renewed Online	92%	99%	99%
Total Population	1,577	17,30	1,879

RESIDENTIAL APPLIANCE INSTALLATION CONTRACTORS

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Licenses Issued	75	57	73
Renewed Licenses Issued	501	557	568
Online Renewals	491	495	561
% Renewed Online	98%	88%	98%
Total Population	572	607	652

COMBINED

	TOTAL FY 2015	TOTAL FY 2016	TOTAL FY 2017
New Facility Licenses Issued	889	994	1,079
Renewed Facility Licenses Issued	9,019	9,381	9,706
Online Renewals	8,848	9,192	9,597
% Renewed Online	98%	98%	98%
New Individual Licenses Issued	31,643	36,829	37,358
Renewed Individual Licenses Issued	80,314	84,055	87,364
Online Renewals	78,989	80,737	86,388
% Renewed Online	98%	96%	98%
Total Population (Individuals)	119,286	128,986	134,649
Total Population (Facilities)	9,899	10,444	10,943
Total COMBINED Licenses	129,185	139,430	145,592

*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.