

**SHELBYVILLE BUILDING COMMISSION
SHELBYVILLE CITY HALL
COMMON COUNCIL CHAMBERS**

DATE: July 9, 2014

TIME: 11:30 A.M.

CALL TO ORDER:

ROLL CALL:

READING OF THE MINUTES AND APPROVAL:

OLD BUSINESS:

NEW BUSINESS:

MISCELLANEOUS BUSINESS:

ADJOURNMENT:

CONVENE HEARING: Randall Dean Rush, Jr.

SHELBYVILLE BUILDING COMMISSION
MEETING MINUTES
July 9, 2014

Jay Wortman called the meeting to order at 11:30 a.m.

Members Present: Jay Wortman, Tony Nicholson, Gary Keppel, Joe Runnebohm, David Wirrig, Dave Rush, Jim Marshall

Members Absent: None

Staff Present: Michele Hansard, Lisa Loveless, Daniel Bird, Chris Hext, Troy Merrick, Crystal Nanney

Guests Present: Rick Butler, Danny Sebastian, Trent Meltzer, Tom DeBaun, Tim Weaver, Anthony Webb, Lee McNeely, Dean Rush, Janet Rush, Brittany Rush, unidentified man with Lee McNeely

Approval of Minutes: Jim Marshall made a motion to approve the June 11, 2014 minutes as presented and Gary Keppel seconded the motion. Motion passed orally 7 – 0.

New Business: Chris Hext presented two electrical exams from that morning. They were both journeyman exams. One received 89% and one received 96%. Dave Rush motioned to accept both exams and David Wirrig seconded the motion. Motion passed orally 7 – 0.

Miscellaneous Business: None

Adjournment: Gary Keppel motioned to adjourn the meeting and David Rush seconded the motion. Motion passed orally 7 – 0.

Jay Wortman, President

Lisa Loveless, Secretary

Convene Hearing: Daniel Bird called the special meeting to order at 11:36 a.m. The transcribed verbatim minutes follow.

**SPECIAL BUILDING COMMISSION
MEETING MINUTES
July 9, 2014**

Daniel Bird: Uh we just had our uh regular meeting of the uh the Building Commission uh and it's been adjourned and now we will uh call the uh hearing to order. Uh my name is Dann Bird. Uh I'm the Building Commissioner for the city and I will be chairing the uh hearing for the Building Commission. Uh would note that all for the record all members of the Building Commission are present. This hearing is being held under Section 155.40 of the Shelbyville Indiana Electrical Code. Uh the purpose of the hearing uh is for the Commission to determine if Randall Dean Rush, Jr. willfully or by reason of incompetence violated provisions of the Shelbyville, Indiana Code of Ordinances or any statute of the State relating to the installation, maintenance, alteration or repair of electrical equipment and if so, uh whether the his electrical license EC000333 should be suspended or revoked uh specifically for electrical work performed at 2911 E. Michigan Road. That's the Bible Holiness Church by Dean Rush Electric relating to a near miss flash incident endangering individuals and for other documented instances demonstrating a pattern of willful or incompetent electrical work. Uh in making such a determination, uh the Commission will rely on information presented to it in the form of written reports and also testimony. Uh the reports uh for the record include uh by title uh Shelbyville Near Miss uh prepared by Duke Energy, uh Dean Rush Electrical dated 6/4/14 prepared by building staff uh Chris Hext and Crystal Nanney, uh work performed at 2911 E. Michigan Road Bible Holiness Church uh by Dean Rush uh prepared by building staff Chris Hext and Crystal Nanney, uh Dean Rush Electric uh an update of the uh the second report mentioned dated 7/7/14 uh prepared by uh Chris Hext and Crystal Nanney, uh work preparation at 2911 E. Michigan Road Bible Holiness Church uh by Dean Rush again an update of the early report uh dated 7/7/14 uh prepared by uh Christopher Hext and Chris Hext and Crystal Nanney and uh uh six, Bible Holiness Church uh dated 7/7/14 prepared by Jim Hawkins, area supervisor for the State Fire Marshall's office. Uh I would ask uh the representatives of uh Duke and also the uh the Building Commission staff uh if the information contained in the reports are true and accurate based upon uh your personal knowledge.

Inaudible reply.

Bird: Note that the answer was yes. Uh the second question, did you take part in the preparation of the uh noted reports and have personal knowledge of their content?

Inaudible reply.

Bird: Again, note the answers are yes. I'd like to outline the proceedings uh to follow uh for this uh the hearing. Uh first of all, I'll affirm those wishing to provide information at this hearing.....

Michele Hansard: Inaudible comment.

Bird: Okay, thank you. Uh uh secondly, we'll ask Duke Energy representatives, I believe Mr. Sebastian and Mr. Butler uh any comments they may have in addition to their report. Uh that will be followed by questions uh from the building commissioners and then that would be followed by a uh questions by uh Mr. Dean Rush or his counsel representative. Uh the second uh item uh will be the general contractor, uh Mr. Webb. Thank you. Uh Mr. Webb uh again if uh Mr. Webb has any comments to make uh secondly uh any uh questions uh the building commissioners may have and thirdly uh any questions uh Mr. Rush, Mr. Dean Rush may have or his counsel. Uh the uh fourth item would be uh members of the building staff, uh Chris Hext and Crystal Nanney uh uh comments or questions comments that they care to make if any, uh questions and answers uh from the Building Commission and then from uh Mr. Dean Rush uh or his counsel and/or his counsel. Uh and fifth would be um uh Mr. Dean Rush uh any comments he wished to make, any questions from uh the Commission and any questions of his counsel. Um the last item would be uh uh closing the hearing and discussion among the commissioners as to the uh two questions at hand. Again, the first question did uh willful or reason of incompetence uh violate any portions of the uh uh the Shelbyville Code uh and then if so, uh whether uh the license uh should be uh suspended or revoked or other uh other action. Uh these proceedings are being recorded. Uh as you approach the uh podium, um uh be sure you speak into the mike clearly uh uh into the microphone. Also a uh a separate microphone has been provided to uh for uh uh Mr. Dean Rush's uh counsel. Uh if there are no other questions or comments, at this time uh let's proceed by having uh uh Danny Sebastian and Rick Butler approach the podium and make any comments that they may wish to make. Uh we do have the uh the report that has been submitted.

Inaudible comment.

Bird: Duly noted.

Lee McNeely:(inaudible)....Building Commission for a(inaudible)....believe that we have the copy of the 7/7.....(inaudible)....

Bird: Uh yes. Uh the the first documents, uh the ones dated uh uh the uh incident uh and then the uh two that were dated the June 6th uh were uh provided uh to Mr. Rush uh delivered to Mr. Rush uh when the initial Notice uh To Appear but was submitted and they were also provided by uh uh myself to counsel by email.

McNeely: Inaudible comment.

Bird: 7/7, uh those were delivered to uh uh Mr. Rush I believe yesterday uh and I believe that they were also emailed to uh uh to your office.

McNeely: Inaudible comment.

Bird: Uh yes the date would've been um 7/7. Yeah one's 7/6 and one's 7/7. Those two are updates of the uh other reports.

McNeely: Inaudible comment.

Bird: Okay uh uh do you also have the uh report from the Fire Marshall?

McNeely: I have the report from the Fire Marshall (?). I have 6/6....(inaudible)...

Bird: Okay.

McNeely: Inaudible comment.

Bird: Um....

McNeely: Inaudible comment.

Bird: Yes those were emailed and uh if I could get a the the other to give to (?).

McNeely: Inaudible comment.

Bird: Uh we will get those made....(inaudible)....

Inaudible mumbling.

Bird: Michele can make those.

McNeely:(inaudible)....procedural matter....(inaudible)....We appreciate....(inaudible)...I note that two of the members of the Commission, Jay Wortman and David Rush....(inaudible).... Nonetheless have a direct(inaudible)....We would ask that those two members be (?).

Bird: Uh this matter was looked in and discussed with the uh uh the city attorney and it was determined uh that they were appointed to the uh the board for the very reason uh that the other members were appointed uh that because of their their expertise. Uh and certainly uh that is the opinion of our uh of our legal counsel.

McNeely: Inaudible comment.

Bird: And I might also parenthetically indicate that uh that they are individuals of integrity and will uh uh take into account uh the information as presented and it will be a fair and uh just hearing.

(?): What does that word mean?

Bird: Pardon?

(?): Parenthetically.

Bird: I don't know where that came from. Um okay if we if we may uh uh counsel for Mr. Rush has been provided with those reports and I may may indicate they they are updates of the previous reports that you had. Uh uh.....

McNeely: And I appreciate that. I have all these....(inaudible)....

Bird: The they're

Tony Nicholson: It's it's a state a state one.

(?): Inaudible comment.

McNeely: Inaudible comment.

Nicholson: Yeah that's what it is.

Bird: Yes. You also have that.

McNeely: Inaudible comment.

Nicholson: That's what he's talking about.

Bird: You'll....

McNeely: That's what you're talking about?

Bird: Yes.

McNeely: Thank you.

Bird: Yes.

McNeely: Go ahead.

Jim Marshall: Okay to clarify, the only document I have that's dated 7/7 is the State Fire Marshal's. Is that correct?

Bird: That's correct. Okay uh if we might uh uh Mr. Butler and Mr. uh Sebastian would you approach the podium and if you have any uh comments to make or uh and it's noted that uh report uh was submitted entitled uh Shelbyville Near Miss.

Danny Sebastian: My name is Danny Sebastian. I'm the field supervisor for the Shelbyville district. Uh take care of Shelbyville, several surrounding towns in uh Hancock, Rush, Shelby County. Would you like for me to just go over this report? Would that help if I explained the circumstances about how it had to be, is that what you guys would like for me to do?

Bird: That may be helpful.

Sebastian: Okay. Um we have a procedure, because safety is the number one priority of our company, we uh are in a very dangerous field and the guys that we have are highly trained and we have to make sure that we are conducting all those procedures and one way for us to prevent things from happening is to turn in near miss incidents. And as you can read, it occurred, the service man had placed to underground risers on the pole. Uh after doing so, he went to the metering cabinet, began to pull the underground 500 triplex out of the metering cabinet. Well this is when the near miss occurred. The near miss actually could've occurred the day before because we have a company called SSI, Sub Surface of Indiana, who is contracted to us to do all of our underground installation. They don't do any termination, but they install all of our underground, whether that be conduit or whether that be direct-bury wire and it can range anywhere from uh 120 – 240 volt wire all the way up to million power cable which we would use if there was a beautification project. Let's say downtown, the city asked us to bury some wire. They would come in and do that power cable as well. All of the work they do is de-energized and they do not do any of the terminations because they don't have uh employees that are qualified to do that work. So the day before the service man went out there, we had scheduled a crew from SSI. They went out, opened up the metering cabinet and ran two runs of 500 triplex from the hole located um on the northeast side of the property back behind the building to the metering cabinet. And as far as I can tell by looking at everything, that wire was energized when those folks were in that cabinet. So that probably, for the near miss to occur when my person was out there, when my employee was out there working was not as crucial as it was the day before because my employee had all of his PPE on and that's personal protective equipment. So he had his low voltage gloves. He had his safety glasses, his hard hat, his FR clothing, his dielectric foot wear and a FR traffic vest so if there is a flash, he's protected from that and that clothing will help with the arc. So the near miss was for when it happened, but the day before I had unqualified workers out there to do terminations or to work with any type of voltage in that cabinet putting that conductor in, and when you're doing that, you're pulling and straining. Sometimes it's easy. Sometimes it's hard, but they are bending that conductor around and they're cramming it in the cabinet because they leave us more than we need so that when we make our cuts and connections, we can make it look uh the way it's supposed to look when it's done which is neat and tidy. So they leave excess wire in there, so this was not only an issue the day of the near miss, but probably more so the day before when I had folks that were unqualified to work with voltage in that cabinet installing the cable for my guy to

come out and do the terminations and get it ready to hook up. I received a call from my serviceman, Dennis Margason, uh that morning after it had happened and he told me there was a flash so automatically in my mind I'm seeing that as a near miss so I have to go investigate so that's what prompted the report because I have to report those up to my general manager and then we try to take best practices from those or things that we can look for in the future to make sure that we aren't doing the same thing again and causing an accident or an injury. Would you like me to go over each of these slides of the power point that I put together or do you want me to just take questions?

Inaudible mumbling.

Nicholson: I think you....go ahead and explain it.

McNeely:(inaudible)....we're not.....(inaudible).....

Sebastian: I agree.

McNeely:(inaudible)....our defense here is not.....(inaudible).....Our defense is why it was done the way it was done. We(inaudible)....that it should not have(inaudible)....speed that process up. I mean you can go over this as much as you want, but(inaudible)....

Inaudible mumbling.

Bird: Appreciate that. Does the Commission have any uh questions of Mr. Sebastian? Mr. Butler?

Gary Keppel: I guess since I'm not an electrician, I'd just like to understand. I'm looking at some pictures and I've got a temporary power feed coming into the bottom of a box and an arrow that says from metering cabinet and if I understand that correctly, normally my main feed would actually be coming in from that metering cabinet and then into the building after it's completed. Is that correct?

Sebastian: Yes.

Keppel: Okay so now we've got a box that's basically hot on both sides?

Sebastian: Yes.

Keppel: Okay. That's what I need to know.

Sebastian: And and to clarify, normally what happens when we have temporary service is we have other contractors in that premises working so we try to maintain uh an adequate amount of outage minutes because with the church, it was everything was finishing up. Everything was

getting done, so we try to minimize our outage by hooking up the new secondary and getting everything ready to go and then we'll take a short outage, disconnect the temporary and then re-energize by putting the 500 back in our transformer. So it just it's something that we've done throughout the years to minimize our outage to the customer transferring from temporary to permanent.

Bird: Why did it arc?

Sebastian: Huh?

Bird: Why did it arc? Why why did you have the flash incident? What caused that?

Sebastian: The legs coming from the panel into the metering cabinet were energized.

Bird: Do you have any conclusions as to to what may have happened that led to this?

Sebastian: Yeah if you look at theI don't have a page number, but if you look at the metering cabinet and also temporary power supply, the what I call hot legs that are coming out of the panel and going into the metering cabinet, which are the customer side, were attached the same place that the temporary power is attached to. Does that answer your question?

Nicholson: I got one.

Sebastian: Okay.

Nicholson: The uh temporary power, is that something that's pretty normal into a cabinet like this?

Sebastian: This cabinet's a little different. We don't see a lot of those cabinets. A lot of times, with a building this size, you will see three phase. So this was a little bit different, but um what I see happening in my opinion for this would be if this were to happen, the electrician would pull their wires in. We would disconnect the temporary, then he would be able to land his hot legs on his side and we would be able to continue with the installation that way.

Nicholson: Thank you.

Bird: Any other questions?

Jay Wortman: Was this connection actually the temporary connection? Is that what they were working off of or was there a temporary service somewhere else?

Sebastian: We had a temporary pole set up out by the transformer pole.

Wortman: With a disconnect and everything?

Sebastian: With a disconnect and then it came to this panel, yes.

Bird: So you're saying it was improperly installed?

Sebastian: The way it was installed and the conduit coming up belonged to the electrician or the church and the wires that were installed were put on the bottom side of the metering cabinet and they could have been installed there to get temporary power in from the panel into the building, but my comment would be before they hooked up the hot legs going to the metering cabinet itself, it should've been de-energized. That should've been the last thing that took place in my opinion. Instead of having that hooked up and having it heated up in the metering cabinet, they could've pulled that wire through and when we came to disconnect and make it permanent, they would've landed those wires last and then that wouldn't have created an instance where we had wires in there at voltage or hot as we call it.

Bird: Thank you. Or I'm sorry....

Sebastian: I tried to sit back down.

McNeely: Inaudible comment.

Bird: And thank you thank you for answering the questions of the Commission. Now it's it's uh

Sebastian: Okay.

Bird:uh Mr. McNeely's turn.

McNeely: Inaudible comment.

Sebastian: Hi, Lee. No, sir.

McNeely: Uh this is customary(inaudible).....

Sebastian: Yes, yes.

McNeely: Inaudible comment.

Sebastian: No, sir.

McNeely: Have you how long has....(inaudible)....

Sebastian: Yes. He just retired two weeks ago after almost 42 years of service with the company.

McNeely: And he(inaudible)...

Sebastian: Yes.

McNeely: Inaudible comment.

Sebastian: I can only speak of the last probably two and a half years since I've been the supervisor in Shelbyville. Um no near misses, but I did not ask Dennis the question about uh his opinion about Mr. Rush.

McNeely: Inaudible comment.

Sebastian: Okay.

McNeely: Inaudible comment.

Sebastian: Okay.

McNeely: Inaudible comment.

Sebastian: Okay.

McNeely: Prior to writing this report,(inaudible)...

Sebastian: No, sir because and and I will tell you why. Um our company

McNeely: Inaudible comment.

Sebastian: Okay.

McNeely: Inaudible comment.

Sebastian: Okay.

McNeely: Everybody understands (?).

Sebastian: No sir, I did not contact (?).

McNeely: Now would it surprise you if.....(inaudible)....

Sebastian: Yes.

McNeely: Are you aware....(inaudible)...people out there that.....(inaudible)....

Sebastian: Yes.

McNeely:(inaudible)....Would it surprise you if....(inaudible)....

Sebastian: No, I wouldn't be surprised.

McNeely: A good electrician....(inaudible)...

Sebastian: Absolutely.

McNeely: And so they were out there.....(inaudible)...

Sebastian: Yes.

McNeely: Dennis.....(inaudible)....

Sebastian: Yes. Or at least told Dennis to pull the meter and open up the disconnect.

McNeely: Be careful.

Sebastian: Yes.

McNeely: Understandable....(inaudible)....this is not how my client....(inaudible)....

Sebastian: Right.

McNeely:(inaudible)....testify that he should not have....(inaudible)...

Sebastian: Okay.

McNeely: Our position and if Dennis were here, Dennis would say I've worked with Dean in the past and I know(inaudible)....

Sebastian: Right.

McNeely:(inaudible)...

Sebastian: Uh huh.

McNeely: Inaudible comment.

Sebastian: Yes.

McNeely: There was a near miss.

Sebastian: Yes.

McNeely:(inaudible)....Isn't the issue here....(inaudible)....but whether or not it was my client's(inaudible)....

Sebastian: I will tell you I asked Dennis if he'd ever seen this before and he said no that he had never seen it before, but....

McNeely: Which it this is our position.....

Sebastian: Right.

McNeely:my client had never done it....(inaudible)....and if Dennis assumed(inaudible).... My question is if if(inaudible)...

Sebastian: Uh huh.

McNeely: Inaudible comment.

Sebastian: Right.

McNeely: If you wanna really find out what was wrong out there, the real issue is who told who who made the(inaudible)....

Sebastian: I don't know who made those decisions. I don't, but the only thing the only thing I know is that if we get a call that an inspection's been done and it's ready to go, we can't have that cabinet energized ever again. That's what I would tell you. Yes.

McNeely: Somebody told my client....(inaudible)....

Sebastian: Yes.

McNeely: You don't want....(inaudible)....

Sebastian: That's correct.

McNeely: Inaudible comment.

Sebastian: That's why I wrote that up so we can get a best practice to ...(inaudible)...

McNeely: Inaudible comment.

Sebastian: You're welcome.

Bird: The board have any or the Commission have any questions?

Sebastian: Do you have any other questions for me? I didn't know. I'm trying to get back to my seat.

Laughter.

Bird: Mr. Butler, if you would, uh there there seems to be uh an indication from uh counsel to Mr. uh Rush that the uh thing was hooked up wrong to begin with. Uh were there any discussions between you and and the uh the general contractor or and and building staff regarding how that was to be hooked up and why that you can recall?

Rick Butler: I would not normally uh advise 'em how to hook a temporary up or how to feed a building from a temporary, but I was out there on one occasion when I was inspecting the conduit and I questioned the fact that the temporary was running in through the bottom of the panel and the panel was not fastened securely. It was just leaning up against the uh switchgear and my first impression was that you know if any kids or anything were in the neighborhood, they could've stuck a hand in and and grabbed a hold of an energized piece of equipment. Uh I questioned that, but I did not you know uh there's nothing I can really do you know on how they're settin' their temporary up. We provide the power to the temporary pole.

Bird: Okay. Um I I wanna refer you to uh the document dated 6/6/14 uh entitled work performed at 2911 E. Michigan Bible Street Holiness. Uh if you could go to the second page, uh uh starting with uh 5/16/14, uh it it indicates the general contractor expressed that being without power for three to five days between green tag and meter installation would prevent the consecration ceremony from taking place as scheduled. Uh Rick Butler Duke Energy, Anthony Webb general contractor and Crystal Nanney of the building department collaborated to find uh a solution that works that works with the uh the needs. Uh an agreement was uh that the electrician would run all permanent service conductors to the CT cabinet and temporary power could afterwards remain in place and that a green tag would be issued on the condition that this temporary cable would be removed prior to Duke Energy technician arriving uh to install the meter. Uh are you familiar when that occurred?

Butler: Uh it's not unusual for us to take three to five days from the time our underground contractor goes out and from the time and from that point getting our crew out to uh termi-

nate all the connections and energize the conductor. We had told the church that uh and Mr. Webb and that uh we would try to speed that up and we did push it through. I think underground contractor was out there the previous day and we were able to get two servicemen out the following day just to help the church. Uh as far as the temporary being disconnected to installing the meter, that's technically true but uh we try to do as much prior to disconnecting the temporary as possible which in this case would've meant going ahead and building the riser up the pole, uh getting the connections ready to go, preparing everything in the cabinet, making all the connections there with the conductor that goes to feed the church's service and then we would energize it, disconnect the temporary, then energize the permanent. There was a lot of work going on with those conductors prior to the temporary being disconnected.

Bird: Commission have any questions?

Inaudible comment.

Bird: Do you have any (?)?

Inaudible reply.

Bird: Okay, thank you.

McNeely: Good morning.

Butler: Morning.

McNeely: You're an engineer (?)?

Butler: Uh not per say. I am an engineering technologist.

McNeely: Okay.....(inaudible)....and uh(inaudible)....

Butler: Uh yes well actually I just uh had all that they needed temporary pole uh energized. That was uh last year some time. I never actually met on the site with Dean until I actually met with a member of the church uh to arrange for the temporary.

McNeely:(inaudible).....It says here that Rick Butler, that's you....(inaudible)....collaborated(inaudible)....

Butler: To get the permanent power turned on, yeah.

McNeely: And I go on through this....(inaudible)....

Butler: Yeah.

McNeely: And clearly indicates that there would be power there and(inaudible)....

Butler: Well the green tag is normally issued prior to us uh coming out to make the connection.

McNeely: Green tag's issued....(inaudible)....on the condition...(inaudible)....removed prior to Duke Energy's technician....(inaudible)....

Butler: In this in this case, it would've been a metering technician. Dennis was the serviceman who would prepare all the connections and before the meter would be put in place. You know, that is the last thing done. It's a CT meter, so it takes a technician (?) to uh install a meter. It takes a metering tech to do that.

McNeely: Inaudible comment.

Butler: No the last conversation I had with Mr. Rush he told me that the inspection was complete when actually and then I called and checked and it actually wasn't.

McNeely: Inaudible comment.

Butler: Okay. Well that's the last conversation that I had.

McNeely:(inaudible)....Do you know whether or not Dennis notified anyone prior to.... (inaudible)....when he....(inaudible)....

Butler: No.....(inaudible)....

McNeely: If in fact....(inaudible)....prior to anybody....(inaudible)....

Butler: Without tagging it? Without locking the cabinet....(inaudible)....It should've been tagged and the cabinet should've been locked. It wasn't....(inaudible)....

McNeely: Inaudible comment.

Butler: I sat in on a uh an informal meeting.

McNeely: Inaudible comment.

Butler: Uh Mayor DeBaun, uh Mr. Bird, uh Chris and Crystal.

McNeely: Inaudible comment.

Butler: The one dated 7....oh the near miss that we wrote?

McNeely: Inaudible reply.

Butler: Oh no. That was the follow up to that report.

McNeely: Did you....(inaudible)...

Butler: No. That was uh Danny Sebastian.

McNeely: Inaudible comment.

Butler: No I I spoke with Dennis about it, but that's uh....

McNeely: What'd Dennis say?

Butler: Well he told me that uh what had happened and uh said one of the conductors was not even taped and that's the one that sparked and uh you know of course.....(inaudible)....

McNeely: Were you aware that(inaudible)....

Butler: Yeah. No there was nothing this serious (?).

McNeely: Inaudible comment.

Butler: No, not willfully. I'm sure it was an accident.

McNeely: As far as incompetence knowing how to(inaudible)....this time somebody told (inaudible)....

Butler: Well he is the electrical contractor. I'm not sure who was telling him that but uh I would've questioned it.

Bird: Any uh questions from the Commission?

No audible reply.

Bird: Mr. Webb? Uh would you like to make any comments relative to uh what transpired uh uh uh especially with the uh the near miss?

Anthony Webb: Yes. Um my name is Anthony Webb and serve as the general contractor on this church project and actually have several comments on the list that I had received on this packet. Um a couple of things starting off here on the one that's dated it's on the uh 6/6/14. Um there's a several times through here where it says inspection was uh requested and then

there's a list of things that were given that it was it was failed. Some of those inspections, I'm the one that called them. Um Dean did not and the reason that I called for the inspections and uh I've I've talked to Dean about this before so um I've been very blunt with Dean, there was several different times I was extremely frustrated with Dean but it was from a lack of communication. It was I've I've got deadlines. I've gotta get this done. And so I'd call him. I maybe I wouldn't get a call back and so what I did and maybe I've muddied the waters here, but I would I would call Chris or Crystal or whoever and and uh set up an inspection and say I want a list of things that we still have to do that I can present to Dean. So they would come out, go over and hand me a list and I would and I let Dean know we've got an inspection on you know, this date. Well there was he didn't have enough time to get some of these items done so I would get a list and I would present that list to him and I'd say we've got five days or whatever to get this done. So he would come in and he would knock the list out. So that happened several times. So in that regards, I take responsibility for failed inspections because I was trying to push him to get this done and so I would call 'em a little bit premature but I didn't have a choice 'cause as much as I like Shelbyville, I'd like to move back to Bedford where I'm from so and actually I was here at a meeting last night uh for a variance so I'm getting a little tired of feeling like I'm on trial here every day in Shelbyville. But um so that that is that. Um in the first paragraph, it says um on 11/27/13 fire caulking was missing. It says that wire penetrations but actually there was there was uh probably even more so around plumbing and HVAC um holes and there's nothing. There was never anything mentioned about the HVAC or the uh the plumbing. It was just the electrical. Um it says several wires had no apparent destinations and again, that was stuff that was wires that were running to where our our stage had to be built. Our sound booth had to be built and that wasn't gonna be built until after the drywall was done. So there were wires that were um spliced or capped off and waiting until we could get our our platform built and that was explained with the inspectors at that time and they understood that. At least to my knowledge they did. Um 12/3/13 stud guards, nails nail plates um everything that I recall on that, that was more a plumbing issue because uh I had to call Mummert Plumbing to come back out and put their plates on. There was several places where their pipes were too close to the to the edge of the 2 x 4s and it was more a plumbing issue than it was electrical. Um the bottom of that same paragraph it says a junction box housing temporary power for construction equipment inside the building was not secured to the wall but lying on the floor. And Dean actually had that in place. It was mounted to the wall and our drywall hangers, they came in and moved it out of the way and uh so he did have it right at the beginning but our drywall crew from a different country moved that box. So that's what that there was. Um and then let's see here, on the next page on 11/14/14 um it says in the middle of that paragraph, one receptacle box was protruding from the wall surface and at that time it was the inspectors had pointed it out to me and they said that that was not code. It was just a matter of making it look better which is what we wanted too, but they said it wasn't a code issue but then it looks like it says here is in violation. Some of that was uh um boxes were placed at the same depth it's just some studs are crooked so sometimes they stuck out and sometimes they didn't. But those issues were addressed. Same paragraph, a receptacle installed within six feet....

Marshall: What what hang on a minute.

Webb: I'm sorry.

Marshall: What where are we now?

Webb: I'm sorry. November it's on uh November....

McNeely: May.

Webb: I'm sorry.

Bird: May.

Webb: May, May 14th.

Marshall: Thank you.

Bird: Thank you.

Webb: Um in that same paragraph, 5/14/14, a receptacle installed within six feet of a sink was not GFCI protected and when he installed that outlet, there was no sink. Uh it was just a cabinet with a countertop in the nursery and uh that was an afterthought. The church added that um later on so there was no uh there was no sink at that time. In fact, I told Dean he forgot a GFI and he said, where? I said by the sink in the nursery. He said there is no sink. I said there is now. It was put in over the weekend. So that is that. Um and then coming down to the near flash incident, um I was onsite when Duke arrived to to hook this up um and matter of fact, I was inside the building. Crew doing trim work and different things like that and I had no idea Duke was there. Um I I wasn't aware they were there and the power went out so I I started looking around and I thought I'd go out to the panel to see if something had kicked a breaker or whatever and someone said well I think I saw a Duke truck. So I walked out the back door and when I walked out, here came their guy that had that had the accident. He was coming back up towards the building and uh was obviously very shaken up and very upset. So we talked for a little bit and he told me what happened and it's probably not a big big deal I guess, but in here it says that he opened the cabinet and began to pull the wires out and when he pulled the second wire out, the flash happened. But when I stepped outside, he told me he said I walked over and I opened the panel and as soon as I opened it, it flashed in my face. So that didn't that seems a little bit different there. And then also he said it wasn't taped. All those wires were taped. Um I would say that if we went out here and dug the conduit out of the ground, the tape is laying down in that conduit and when the wire was pulled out, the tape fell off. But there was a guy that was connected with the church, I talked to him as well and he said I saw it with my own eyes. He said all three of those wires were completely taped uh when they were pushed down in the conduit. So with that being said, they were taped. Um I know for a fact that they were and but thankfully he didn't get hurt because that would not have been a good

thing at all. I guess the last few things that I would say is my frustrations with Dean were not electrical as far as his ability um 'cause it was obvious to me that he he did know electric. Uh he's been around it his whole life. I never met Dean before this project. I'm from out of town, so I took bids and we had to submit the bids to the church to the building committee and that's who, between the building committee and myself, Dean was who they chose. And if I had to build again here, I would I would consider Dean Rush for the electric. Um we'd have to communicate a little better but um outside of that, that was my that was my frustration was just that he didn't get back to me um in as quickly as I wanted him to. But as far as electricity goes, I didn't have any issue with with how he he did everything. Every time a list was given, he he took care of it and uh sometimes the list when we were given a list, that list did change from time to time but he he got on it and he took care of it. So that is kind of my my thoughts I believe.

Bird: Questions from the uh Building Commission?

No reply.

Bird: Why was the uh uh again referring to the 5/16/14 uh comment uh uh in in that paragraph that uh agreement was that the electrician would run all permanent service conduits to the CT cabinet and temporary power could uh could afterwards remain in place and that the green tag would be issued on the condition that this temporary cable would be removed prior to uh Duke Energy uh technician arriving to install the meter and that uh Mr. Butler and Mr. Webb uh all agreed to to coordinate this effort? What what happened there? Is that is that uh an accurate statement uh that uh uh there seemed to be a solution to uh uh the power delay uh and the critical thing was that the temporary power uh uh uh be removed uh prior uh to the uh uh permanent power?

Webb: Well honestly I don't remember about the temporary power part. I remember us talking some about it and they were saying the power would have to be you know down for three to five days and yes, that's true that we were looking at the dedication uh either I think it was a week the next week after that on Sunday if I remember right. And I knew if we lost those time without electric, we're in a world of hurt. So I don't remember if it was this time or before then when I met with I believe it was Chris and uh Rick Butler on site there. There was four things that Rick Butler had asked and I don't remember.....I one was they needed pull strings ran through the conduit. Um the conduit that was out by the pole at the road came up on the roadside of the pole and he wanted 'em on the back side of the pole. And the meter base I think needed to be changed or something on the meter base and I don't remember the fourth item. Mr. Rush probably would remember but to my understanding, those were the four items that needed done for them to come out. And so he took care of those four items and then we had called for an inspection and Crystal came out to to inspect somewhere in that time frame. Um she was out there twice the one day actually so I don't remember um exactly what all happened because I was I was at lunch the first time she came out. Then I believe her and you, Mr. Bird came out. She green tagged the panel. The one thing I do recall is um Crystal telling

Dean when we were out there the one day, she said she asked a bunch of questions and she said I'm sorry, you'll have to bear with me. I've never inspected this before and I don't nearly know anything about this panel. And then later we had a green tag, so I assumed that we were good. Dean, I guess, assumed we were good and then I don't ever remember anybody notifying us that Duke was coming that morning to hook up the uh the meter. So if I was notified, I I dropped the ball 'cause I it was a surprise to me that they were there.

Bird: Well uh

Webb: So I guess if if the temporary was supposed to be removed before they came, they showed up before it was removed I guess 'cause I they were there unaware to me.

Bird: But but you and Mr. Butler and uh uh Crystal Nanney uh agreed on a solution to provide that power and to to let the electrician know uh what needed to be done?

Webb: Well I'm confused as of this is the same thing as the four items that Rick Butler had said 'cause I thought those four items were taken care of. I don't remember the fourth item. So I I'm not sure exactly how to answer that because uh

Bird: Well who who was responsible for the back feeding by the temporary power cable was un unprotected and un uh and exposed and it was energized? Did you know the cabinet was energized?

Webb: Yes. Mr. Rush had had the cables run from there over to the other panel but it was my understanding that he was um told to do so by a higher up power. And I it got green tagged and I I felt....

Bird: Higher up power, what do you mean?

Webb: I felt that everything was okay.

Bird: What do you mean higher up power?

Webb: Uh by inspectors.

Bird: Oh inspectors told him to hook it up that way?

Webb: That was my understanding.

Bird: I see. Commissioners?

Webb: I guess at this point, my biggest issue is we still are needing our or the church is needing their final Certificate of Occupancy and that's uh I guess I have felt well, I'll leave that alone. I'll be happy to receive a final certificate as soon as everything is resolved.

Bird: Mr. McNeely?

Keppel: Is there anything wrong with the electrical right now that's keeping you from getting that?

Webb: No. At this point, that's why I kinda rambled there. We're down to the only thing left, my understanding, was the variance meeting we had last night. So it's just been a drawn out process.

Keppel: This issue has nothing to do with that?

Webb: No, no. It had. Earlier on there was some uh things that kept popping up uh that I felt had delayed a little bit, but we're past all that now, so....

Keppel: Okay.

McNeely:(inaudible)....For instance, as you go through here(inaudible)...

Webb: No, it was me.

McNeely: And then Mr. Butler....(inaudible)....well yeah you're right about all of that but you know what, that that wire wasn't taped and uh that wire should've been taped....(inaudible)...

Webb: Yes, they were taped.

McNeely: You saw them, didn't you?

Webb: Yes.

McNeely: So if there's no tape there, it's not his fault because he he put it there. If there's no special outlet near a sink, is it my client's incompetence who didn't know that you're supposed to put something near a sink....(inaudible)....

Webb: He didn't know. He did not know there was a sink going to be there.

McNeely: As you stand here, there were there were wires that just appeared to be running everywhere....(inaudible)....nowhere. They all had a purpose, didn't they?

Webb: Yes, they did.

McNeely: Inaudible comment.

Webb: Right.

McNeely: Inaudible comment.

Webb: Correct.

McNeely: If he says today to this Commission that that box was (?) because Crystal, the inspector who you heard say she didn't know that much about electricity, told him that's the way I want it done in order to green tag, is that consistent with what you(inaudible)...

Webb: Inaudible reply.

McNeely: Inaudible comment.

Webb: Yes.

McNeely: It's no story that we've made up today or some lawyer.....(inaudible).....I got an answer....(inaudible)....

Webb: Correct.

McNeely: And if in fact, he says I've never hooked it up....(inaudible)....but she told me to so I did.(inaudible)....

Webb: Well I would say whoever insisted on it being hooked up the way it was hooked up.

McNeely: Inaudible comment.

Bird: Uh Mr. Mr. Webb, uh again, uh could can can you explain the the comment in this report that you and Mr. Butler and uh Crystal Nanney agreed on a solution to provide the power uh that was needed uh and was that communicated uh to to Mr. Rush?

Webb: To be honest with you, I don't totally remember and Crystal might have to help me out there. I I remember Crystal leaving me a voice mail one day I believe after she maybe she had spoken with Rick Butler 'cause I had told her, I said we we can't be without power for these three to five days. And I got a voice mail from her saying I think we have a maybe a solution around this. I don't I don't believe the three of us met onsite. I know I talked to Rick Butler two or three times, but I don't remember talking to Mr. Butler about this very thing. So I unless it was just Crystal and I and then Crystal talked to to Mr. Butler um and I honestly don't remember who transferred the information to Dean 'cause I don't believe it was me. It might've come

from them or Mr. Butler. I I'm sorry I'm not answering your question very good but I'm I'm really not 100% sure.

Bird: Were you aware that there was an agreement on how to how to hook that up to provide you the power you that was needed?

Webb: On how to hook it up?

Bird: Yeah, right.

Webb: Or how we were gonna work around the....

Bird: Yeah how the the solution that was was developed?

Webb: Yes. My understanding there was the four things that were supposed to be resolved and my understanding was those four items were resolved which is why to my understanding it was green tagged and then Duke was going to come out and hook everything up. We were only gonna be without power that one morning whenever they showed whatever day it was gonna be.

Bird: Thank you.

Webb: Thank you.

Bird: Mr. McNeely, you had a back and forth. It was your turn to ask questions on that.

No audible reply.

Inaudible comment.

Bird: Okay uh uh I'd like to hear from uh uh Chris Hext and Crystal Nanney uh any comments you wish to make uh on the the items heard thus far or or your report. Uh please come to the podium individually or together.

Crystal Nanney: First um thanks everybody for being here. I know this is a difficult situation. It's a small town and

Bird: Yeah excuse excuse me. Can you move your mike?

Nanney: Yep. Sure. Is that better? Wow. Okay thanks everybody for being here to talk about this. Um the reports that the Building Commission generated were focused on electrical issues. They were not the only issues, but uh wanted to point out that we expect an electrician to make sure that it's right on his watch and I recognize things happen when you're not there.

Heaven knows as inspectors, we know things happen when we're not there. But uh we do expect the responsible party to ensure to the best of his ability um to exercise adequate supervision and so on. Um I feel it's unfortunate that uh Mr. Webb's had a bad experience here in town. He's a good contractor and he does the kind of work that we want here. Um I think the people he counts on has let him down somewhat on this job and it maybe soured the taste, but uh I just wanted to at least extend some warmth his way. Um the board is here obviously to represent the citizens of Shelbyville. We do the same as inspectors. We're charged with protecting the health, safety and welfare of the public through enforcement of codes which are minimum standards uh to which everyone is held. I am also very grateful that no one was hurt. Um essentially as inspectors, we are the umpire so we have to call it like we see it. I've learned a lot about Duke's processes through this incident. Um they had their (?) requirements um which were different from the code issues that we found onsite. Uh everyone sort of has their own jurisdiction that they will cite and it's the contractor's responsibility to insure that everyone's concerns are uh dealt with. So Duke would have their (?). We would have ours. The fire inspector had his um and the agreement, it's already in there, but the Cliff's Notes version of the agreement was if we followed normal procedures, the church was gonna be in a bad position. They would've been without power, to my understanding for the three to five days. Um if Duke had decided they were going to find a way to do it faster, that's great, but no one told us that. Um I think what's important is that in this situation, the temporary pole was back feeding the cabinet. Everybody knew when we made this agreement that's what was happening. The agreement was that that wire was (?) pulled before anyone touches it and unfortunately, that did not happen. Um my instructions were to hook it up this way. Uh it was not correct. It was not the final inspection. It was just a green tag. Um and we anticipated there would be some other changes later on but at this time uh the green tag is what was in question. Normally this is not done this way. Normally you get your green tag at a rough-in because normally you have your service installed with your wiring waiting for permanent power. Um in this case, temporary power was run to supply all the circuits in the building so we were kind of off kilter to begin with um but we tried to work with it to accommodate the church. And had my instructions actually been followed, which was pull the temporary cable, um there would have been no danger to anyone. So we made this agreement based on trust that it would be done that way. Um I am a registered architect and as an architect, I am liable for my mistakes, whether an inspector catches them or not, whether anyone thinks it's a good idea or not. Um it doesn't matter what someone tells me, ultimately I am responsible to make sure that work is done correctly and to code. Uh if Mr. Rush believe that the situation was dangerous, which it was, I don't understand why there was no pushback against what he believed his instructions were. Um I'm getting the impression that Mr. Rush had the impression I told him to do this and uh perhaps didn't get the message to pull the temp cable. I can't fathom how he would allow that to continue that way. Um it could've been (?) a number of ways, but the disconnection, per the process Mr. Sebastian described, is exactly what was ordered. Uh if that were done, no warnings to Dennis would've been necessary. Um and the Commission can decide if they approve of the inspector's actions another day, but this hearing is about what Mr. Rush should or should not have known and should or should not have done. Um I think that's all my comments. Do you have anything you'd like to add? Do you have any questions for me?

Bird: Commission?

Inaudible comment.

Chris Hext: Uh further with this,beg your pardon. Uh Chris Hext, building inspector. While we're on this subject, would you like me to talk about the State fire inspection?

Bird: Whatever comments you wish to make at this time.

Hext: Okay, um....

Bird: Speak into the microphone if you would, please.

Hext: Yeah, beg your pardon. I was on vacation during the week this incident happened and that is why I'm not speaking uh directly to that. Um I will speak to um uh a document from the State that you may that you may have. Uh should have a copy of. Uh it starts that the State Fire Marshall's office received a request from Mr. Dean Rush uh to assist in an electrical inspection at the Bible Holiness Church. Um I do not know why he asked the State to come uh and do an electrical inspection on the on the uh Bible Holiness Church. Uh however, a Jim Hawkins, uh James Hawkins, the area supervisor for the State, um contacted us and said that he was doing an inspection there and uh so I went along last Thursday afternoon at 1:00. Present at that was uh Dean Rush and Anthony Webb. Um um Mr. Hawkins asked Dean Rush to open up some panels and and uh covers and started asking some questions and at the end of the meeting, it was concluded that um the service conductors uh from the CT cabinet to the service panels were parallel 4 copper conductors and needed to be a 350 uh kc mil copper. Un that there was a lack of a main bonding jumper from the service panel to the CT cabinet. Um he also noted the conductors from the service to the interior 200 amp sub panels were um uh were 2\0 copper and needed to be 3\0 copper. And finally he noted that the 200 amp sub panels were grounded as service equipment and not sub panels or panel boards and that the grounds and neutrals were not isolated from each other um according to Indiana Code. Uh we agreed uh that if, after his inspection, that these items were corrected then um uh this Building Department would um would be fine with the with the installation and that as far as anyone would know, it was correct. Uh at this point, uh in order to do this work in the panels, Mr. Rush is gonna have to contact Duke Energy to cut the power at the uh pole while he gets into those panels and works. And after that, that then um uh we would be good to issue a final uh uh a final inspection report to go towards the Certificate of Occupancy that Mr. Anthony was uh talking about earlier and I think that this issue on the panels that were looked uh that were written by the State are the only thing from the building aspect that is holding up the Certificate of Occupancy.

Bird: Thank you. Any uh questions of the Commission?

Keppel: Am I understanding from your comments then that uh even though these things are not an immediate danger, they have not been done yet?

Hext: That I know of, yes and we should know because that again would have to be green tagged before Duke would connect it. They would insist on a green tag.

David Wirrig: In in the walk-thru, the other items that are noted in the report dated 6/6 of referring to receptacles and and locations and GFCIs, those all those items have been corrected?

Hext: Yes.

Nanney: I think the point that we're ultimately hoping to establish is the Commission may disagree, but we believe this incident, along with the history of other incidents that are documented in the other 7/6 letter....

McNeely: Inaudible mumbling.

Bird: Pardon?

McNeely: Inaudible comment.

Bird: Okay your uh objection is duly noted. Um my stance is that uh uh Crystal there there's there's one question uh uh that seems to uh that seems at an issue. Uh you maintain that uh the solution was found or a solution was uh agreed upon uh by you and Mr. Butler and uh uh Mr. Webb and uh was that solution communicated to uh the electrician uh Mr. Mr. Rush? Uh and as a result of that, uh uh an incident occurred and the condition was to remove the temporary feed and was that communicated directly by you or through my uh Rush, I'm sorry, through through Mr. Webb or uh Mr. Butler to the best of your knowledge?

Nanney: My conversation was as Anthony Webb described (?) Rick Butler to determination a solution. Second, I left a message for Anthony Webb. He called me later that day and I explained the process to him personally over the phone. I did not speak to Dean Rush about it that day. The next day when we came out while Mr. Webb was at lunch, my recollection is we talked about that, uh myself and Dean Rush, but I cannot remember the exact words of that conversation. I couldn't stand in front of you today and swear that I told him explicitly what had to be done.

Bird: Mr. McNeely?

McNeely: Thank you.....(inaudible)...

Hext: Uh are we referring to the....(inaudible)....two documents. Um these were um (inaudible)...Crystal Nanney and myself based on....(inaudible)....

McNeely: Were these notations(inaudible)....with the events or was this kind of your recollection....(inaudible)....

Nanney: I don't think I understand the question.

Hext: I....I think for the most part, we make our inspection report on the job.

McNeely: You (?) these issues here(inaudible)...

Hext: Yes.

McNeely:(inaudible)....have any....(inaudible)....

Hext: Um not a near miss.

McNeely:(inaudible)....when we look at this fine line....(inaudible)....Wade Amos. It says here that the.....(inaudible)....

Inaudible mumbling of Commission members.

McNeely: Inaudible comment.

Hext: That was me.

McNeely: Did Mr. Rush explain to you at that time that even though he was only so deep in the ground.....(inaudible).....

Hext: That was mentioned. Um....

McNeely: Inaudible comment.

Hext:I think until this date, uh I have to assume that there may not be. If something happened to the homeowners and they moved out and new owners came in....(inaudible)...

McNeely: And he he changed it as you requested, is that right?

Hext: Yes, yes.

McNeely: If in fact he had made that determination saying that I'm burying this "x" number of inches below the ground....(inaudible)....and I know that(inaudible)....

Hext: Inaudible comment.

McNeely: And that was his position....(inaudible)...

Hext: No these were notations of inspection reports that were compiled. This one was way over a year ago. Um uh and further (?) if I had seen forms that were kind of a put in that were gonna receive concrete, I may have.....

McNeely: Inaudible interruption.

Hext: Correct.

McNeely: That's right.(inaudible)....it is a fact....(inaudible)....

Hext: There's a general rule.....(inaudible)....

McNeely: And at the time....(inaudible)....to do installing telephone lines, those type of things and that is(inaudible)....

Hext: What I know, counselor is when I arrived at the site, there was uh somebody on site who was um I didn't see them pulling wires, low voltage or high voltage, but I knew that they were in there uh working and even installing boxes um would(inaudible)....having some sort of apprentice uh permit.

McNeely: You did not see them pulling low voltage (?)?

Hext: No. They were in there working on site.

McNeely: Inaudible comment.

Hext: Yes.

McNeely:(inaudible)....you know whether or not do you know....(inaudible)...

Hext: I

McNeely: Inaudible interruption.

Hext: Yeah I recall seeing them moving um uh wire, electrical wire.

McNeely:(inaudible)....Crystal, on(inaudible)...

Nanney: Uh what date? Sorry.

McNeely: 911 Hale Road.....(inaudible)....

Nanney: Yes, that is correct.

McNeely: And you talk about the fact that smoke detectors was not attached and a receptacle box....(inaudible)....

Nanney: That's what I said.

McNeely: And did he explain to you that the(inaudible)....they were the ones who had removed the smoke detectors and removed the receptacle....(inaudible)....after...(inaudible)...

Nanney: City process, sorry, city process has been published is that power is not granted to mobile homes unless smoke detectors are in place no matter what the conditions are or what the residents are doing. Uh Dean was advised of this before we went to the site. It does not matter what they were doing. They don't get power without smoke detectors.

McNeely: Who wrote up....(inaudible)....

Hext: Which.....

McNeely: Inaudible interruption.

Hext: Which?

Nanney: The last one?

McNeely: Inaudible comment.

Nanney: That was my inspection at (?) W. Hendricks.

McNeely: Are you aware that Dean would not....(inaudible)...

Nanney: Uh my report was based on Bill Rasner telling me he hired Mr. Rush. I did not confirm with Mr. Rush myself.

Bird: Commission have any questions?

No audible reply.

Bird: Thank you.

Nicholson: I got....I'm not sure but it's uh on this this same report, uh can you talk a little bit about the second one there, the 2798 Tammy Sue Drive as far as the uh where the rough-in uh work was not completed, inspection and uh and then actually it looks like that that Dean called uh Duke Energy himself to have that uh.....

Hext: When I went to do the rough-in, when I went to do the rough-in inspection, uh our procedure is, especially on a new home, once the frame is up, the plumbing is roughed in, the electricity is roughed in and the mechanicals are roughed in, we come in to do a rough-in inspection on all four areas of construction. Um uh when I went to do this rough-in, um the and and normally at rough-in is when I can green tag a meter base. In this case, the meter base was not on the outside of the building because Mr. Rush said that they were gonna be putting brick on the outside and he wanted to wait and put his meter base on after the brick work went up. In order to keep um uh the project going, um I did the inspection inside and said okay. Um I think there may have been a reinspection because it wasn't complete at that time, but I said okay you can carry on the inside and insulate and drywall and obviously power wouldn't be given until there was a meter base and um uh the next thing I knew, uh a couple of weeks later, uh there was a meter base uh and a meter in the uh in the meter base that had been installed since my last inspection. And um uh on calling Duke, they said that um Mr. Rush had called it in and said that it had been inspected and then Dennis uh Dennis came and put the meter in and I know that meter base had not been inspected. So that was....

Marshall: Wouldn't there normally be a green tag hanging on that meter?

Hext: Correct. Um....

Marshall: And there wasn't?

Hext: And there was not.

Marshall: And Duke put it in without it?

Hext: Yes and um uh but Duke were told um uh I heard that Duke was told

Marshall: But there was no green tag hanging? You didn't put....

Hext: There was no green tag on it. Sometimes kids rip 'em off. They blow off in the wind.

Marshall: But they call and verify with you if they're gone?

Hext: No.

Marshall: Nobody from Duke called and said there's nothing here, is it okay?

Hext: No.

Marshall: And you didn't call 'em and tell 'em....(inaudible)...

Hext: Right.

Marshall: They just came out and put it in 'cause somebody told 'em?

Hext: Yes.

Marshall: Okay. I got it.

Bird: I believe it's your turn, Mr. McNeely.

Inaudible mumbling.

McNeely: With regard to the Rasner....(inaudible)...why why does....(inaudible)...

Nanney: Code requires air connectors of that length be of a certain type. The type that was installed was incorrect. Being told that Dean Rush did it, it seemed to support the ongoing evidence of incompetence. That's why it was included.

McNeely: Now, if I were to say to you that I received(inaudible)....

Nanney: No. My exchange with Mr. Rasner was as I described.

McNeely: Inaudible comment.

Bird: Thank you. Mr. Rush? Mr. Dean Rush?

McNeely:(inaudible)....one other witness....(inaudible)...

Bird: Who might that be?

McNeely:(inaudible)...

Bird: Sure.

McNeely: Inaudible comment.

Tim Weaver: I'm Tim Weaver with Runnebohm Construction.

McNeely: Um what are your(inaudible)....

Weaver: Uh I'm a project manager/estimator.

McNeely: Have you had any experience(inaudible)....

Weaver: Yes. He uh did the First Merchants Bank for us this year.

McNeely: Inaudible comment.

Weaver: Yes.

McNeely: Tell me your experience with Mr. Rush.....(inaudible)...

Weaver: Yes. I did not have any problems with his work. Um I would consider him again um working with him again. Um as Mr. Webb said, there was just a little bit of communication problems, but nothing with his abilities.

McNeely: One of his problems is he's got a lot of business.

Weaver: Yep. That's what I feel. He was working on Mr. Webb's project and my project at the same time and when he wasn't on my project, I was calling him and he wouldn't on Mr. Webb's project, he was calling him.

McNeely: Okay so you were both tugging at him in different directions to try to get him to

Weaver: Yes.

McNeely: But as far as the quality of his....(inaudible)....

Weaver: Yes.

McNeely: Inaudible comment.

Weaver: Yes. I worked with....yes.

McNeely: Inaudible comment.

Weaver: Uh yes I do. Any problems that that we had or arised, he did take care of them.

McNeely: One of the things that was brought up in the report was (?) that Dean did not meet the project engineer's requirements....(inaudible)....and that Chris did not(inaudible)...Uh let me hand you a letter(inaudible)...from the actual architect....(inaudible)...to your knowledge were there any code violations....(inaudible)....

Weaver: No, uh what they 're talking about on the welds for the uh grounding, it is not required by code. You're not even required to have grounding for code. The architect had it on his drawings for it's basically a supplemental drawing. He wanted that on there so in case one of the light poles got hit by lightning, maybe it wouldn't damage the pole or the light.

McNeely: Inaudible interruption.

Weaver: Or the light.

McNeely: Inaudible comment.

Weaver: He um I didn't see the welds. I don't know. I can't comment on that.

McNeely: Inaudible question.

Weaver: Yes.

McNeely: Um do you have any idea why the Building Commission staff would attach that instance along with other incident(inaudible)...to a litany of problems with Dean's? If if you were going to be telling somebody about his qualifications....(inaudible)....would this have anything to do with(inaudible)...

Weaver: No. No I mean it's it wasn't a code issue.

McNeely: Inaudible comment.

Weaver: Anybody else?

No reply.

Weaver: Okay.

McNeely: Thank you. Appreciate your information.

Bird: Okay uh Chris or Crystal, would you care to comment on that?

Hext: Yes um downstairs in my office, I have a set of drawings for the First Merchants Bank that specifically shows me in the drawings where a ground rod will pass through the lamp post base and be exothermically welded to a to a grounding rod. Um I try my hardest to follow architects or engineer's drawings as their requirements for the job and that is what I was doing um uh in this particular installation. I had mentioned I think two or three times to Mr. Rush that I wanted to see those welds and uh the next thing I knew, the holes were covered it. It was land-

scaped and then I think it may haveI believe it was Tim Weaver who came in one day and said if you had a letter from the architect saying that the exothermic weld was not required, would you accept that and I said yes I would and he produced that letter and we didn't go back and dig up because I had new instructions from the architect overriding his original drawings.

Bird: Okay.

Nanney: It should be noted that as inspectors, we will inspect per the drawings and per the code and typically you're held to whichever is stricter. In the code, it will say that uh whenever any codes conflict with each other, whichever is the stricter shall apply so that's the philosophy we follow with that. Um another point of fact would be let me say this carefully, it is possible to cast tiny doubts on this aspect or that aspect um however the code is a code. It is a minimum and every contractor is expected to know that.

Bird: Okay, thank you. Thank you.

McNeely: Inaudible comment.

Bird: I do believe it's your turn, Mr. McNeely.

McNeely: Well thank you. I appreciate it.....(inaudible)....why didn't you....(inaudible)...

Hext: Why didn't I not give what?

McNeely: Why didn't you give him the architect's(inaudible)...the question is why didn't you give that.....(inaudible)...

Hext: I I really don't have an answer to that. I could've gone to a lot of files maybe and picked up whatever I thought would've been useful, uh but I can make it available to them if they wish to see it.

McNeely: Inaudible comment.

Nanney: I think the reason it wasn't included would've been because at that time, before that letter was in hand, what the electrician was expected to do was clear and it was not done for reasons unknowable to us inspectors. When the letter came, that changed what was expected to be done, so it's not really relevant.

McNeely: Well let me ask you....(inaudible)....

Bird: Sure.

McNeely: May maybe you should've said what you said originally....(inaudible)....After you got the architect's letter, you knew....(inaudible)....the evidence....(inaudible)...facts to this board so that they can make a determination....(inaudible)....why did you not(inaudible)...other documents....(inaudible)...

Nanney: Almost all of the matters that have been listed were eventually repaired. This issue at hand is not how or why or at what point the information was received or changed. The relevant information is that it was not done the way it was supposed to be done. I could provide you uh pictures of corrected work or uh incidents where we did research and it it's not that's why it wasn't given because it's one of several.

Bird: Okay let's let's stop right there. Uh I do have a question for both Chris and Crystal. In the reports that that you repaired, uh were there uh documented uh violations of the code?

Nanney: I'm sorry?

Bird: In the uh the letters that you have presented, uh you you cite uh any number of uh uh violations of the code. Were those true and accurate based upon the best of your knowledge?

Nanney: Yes.

Bird: Thank you. Um may we go to Mr. Rush now?

McNeely: Certainly.

Dean Rush: Uh Randall Dean Rush, Jr.

McNeely: How long have you been....(inaudible)...

Rush: Five years.

McNeely: How long have you been....(inaudible)...

Marshall: How long?

Rush: Five years. Uh I've been around electrical business 15 years.

Bird: I believe where we are is that if Mr. Rush would like to make any comments. Is is this what you're doing is asking him a question so these are considered comments?

Inaudible reply.

Bird: Okay; thank you.

McNeely: Inaudible comment.

Rush: Oh, sorry.

Bird: Uh I hate to tell you this. If you could move the microphone, I know you don't need it, but just in case it doesn't.....

Inaudible mumbling.

Rush: Uh I've been around electrical field for 12, 13 years. My father was an electrician. He did this trade for 25+ years and my grandfather was also an electrician.

Bird: Yeah we're not we're not picking you up. Is there some way you can lift the microphone or

Rush: How 'bout now? Are you getting it now?

Bird:grow smaller or something. Go ahead.

McNeely: Uh let's go let's let's very fast walk our way through this two page list of incidents just so they understand why you did what you did as opposed to what Crystal and uh Chris (?).

Rush: Which list you on?

McNeely: Inaudible comment.

Rush: Are you on the church?

McNeely: Let's talk about Wade Amos first.

Rush: Okay.

McNeely: Were any code violations at the Wade Amos house?

Rush: Uh the code violation there, the only one that I knew of was the buried flex that had the wire going through the ground in it.

McNeely: Other than that, no code violations?

Rush: No.

McNeely: Did(inaudible)....

Rush: Yes.

McNeely: Inaudible comment.

Rush: Yes.

McNeely: Inaudible comment.

Rush: Yes.

McNeely: Inaudible comment.

Rush: Yes. He said he was gonna be pouring concrete over there later on whenever the project was done and we was all wrapped up. He was gonna be pourin' concrete over that area connecting the pool house to the house so they could have somewhere to walk back and forth without walking in the mud.

McNeely:(inaudible)....patio or driveway or something like that and you took that into account.....

Rush: Yes.

McNeely:when you determined the depth?

Rush: Yes.

McNeely: Were there any problems with the building inspector....(inaudible)....

Rush: No.

McNeely: Inaudible comment.

Rush: Yes.

McNeely: But you did what they asked you to do, right?

Rush: Yes.

McNeely: Let's go to Tammy Sue Drive....(inaudible)....there's a question about Chris says that you called Dennis at Duke to connect the service....(inaudible)....

Rush: Whenever I called....

McNeely: True or false?

Rush: I called Dennis that morning to clarify what time he was gonna be at the job. I have to call Duke's new service center and they have to issue a meter number and file a bunch of paperwork before Dennis could even go to that job. Dennis already had all that paperwork. I was just trying to find out what time he was gonna be at that job that morning so I could meet him there. That's the only reason I called Dennis on 8 of or 11/8 that....

McNeely: The implication to the board is that you called(inaudible)....that you called Dennis and lied to him on whether or not the(inaudible)....project was ready to go and lured him out there to do that.

Rush: That was not the case. Dennis already had all of his approved paperwork, already had the meter on the truck. He showed up. I think it was 8:30 when I called him that morning it says. He was there by 9:00 and we installed the meter and to my knowledge, Duke already had the green tag confirmation faxed to 'em. They wouldn't have filed the meter number if they didn't have a green tag.

McNeely: That was(inaudible)....

Rush: Uh huh.

McNeely: Inaudible comment.

Rush: Yes.

McNeely: Did you do anything wrong by calling? This is someone you know.

Rush: I know him from job to job. He's the average lineman that we'd use here around Shelbyville so anytime you have a service reconnect or a disconnected, Dennis would usually be the guy to come disconnect or reconnect and I have worked with him on several jobs prior to his retirement.

McNeely: Your sole purpose in calling that morning....(inaudible)...

Rush: To find out what time he was there because I also had a temporary power feed going from the temporary service into the house feeding the furnace there, so I wanted to make sure I was there to shut the power off so a near miss didn't happen.

McNeely: But you....(inaudible)....

Rush: Yes.

McNeely: Let's go to the First Nat...First Merchants Bank....(inaudible)....they claim that you had unsupervised and unlicensed people....(inaudible)....

Rush: Yeah.

McNeely: Tell the board exactly what happened.

Rush: I have a government employee that works down at Muscatatuk Army Base. Whenever the government had their two month shutdown, he didn't have no work and all he did was fiber optic and (?)5 and low voltage. I had the job going on there at First Merchants Bank and there was a lot of data chases. In every office there was one or two data chases. All along the teller lines, there's all bunches, there's a bunch of low voltage wiring required to run the bank. I had installing pieces of conduit in little boxes for the low voltage and we put a string in that so whenever the telephone or AT&T or Comcast comes there, all they have to do is attach to that string and pull it down because none of the low voltage suppliers actually come to that job until after all drywall's done. So if they would've came there with no chases when the drywall's done, they don't have any means of getting their wires in the wall. The only thing Mr. Armstrong was there doing for me was installing low voltage conduits for the chases.

McNeely:(inaudible)...hooking up was low voltage wires?

Rush: No, no he was just installing a string with a sixteen penny nail tied to the end of the string so the string didn't fall down the pipe. But all he did was install string inside of a chase.

McNeely: And the other issue on the First Merchants job was(inaudible)...

Rush: Uh huh well there was also this uh it says on there on the First Merchants Bank that uh oh it's on the second page here. Ummmm.....the Dean Rush the trench for the main service cables was insufficient depth. Um whenever I did that main trench, we had to actually shut that site down because it went across their driveway so it kind of shut the job down for the day. Whenever we did that trench, it was still at construction grade which is below final grade before they put the asphalt which is 4" thick on top of that and I was down at 24" on construction grade. So if they put another 6" of final grade material on top of that and 4" of asphalt which counts 1" of asphalt is 4" of backfill, it would've been 38" into the ground whenever the job was completed. Crystal her came out there without Chris wasn't present at this one, but Crystal came out there and said trench was insufficient. We had to backfill the trench because you can't run a trencher over a trench and we had to backfill the trench and re-trench down to 36". But now if you go out there and try to dig the pipe up, it's almost down to 4 1/2' now, 4 1/2, 5' once this job was actually completed. So I didn't feel the need that that pipe needed to be that deep when it only has to be 36" depending on what kind of topsoil's on top of it to the top of the pipe.

McNeely: Inaudible comment.

Rush: Yes.

McNeely: Inaudible comment.

Rush: Yes.

McNeely: How well do you get along?

Rush: We work together.

McNeely: Uh let's talk about Patricia Jiminez.

Bird: No, I'm sorry, what was that that last question?

McNeely: Patricia Jiminez.

Bird: No the one before that that you just asked him he his response was we work together. What was the question? I'm sorry.

McNeely:(inaudible)...get along.

Bird: Thank you.

McNeely: She claims there were violations of the code because smoke detectors and a receptacle box were not....(inaudible)....already gone over the fact that there was painting going on. You've heard her explanation....(inaudible)....and what's your side of the matter?

Rush: On that particular job on a reconnect, any time you have a residence where the power's been shut off by Duke and somebody else buys a property, you have to have a reconnect which somebody has to come out, a licensed electrician, and look at the service to make sure it hasn't been tampered with after Duke had pulled the meter and shut it off. Sometimes people will stick different things in the meter base trying to get power through still. Uh uh Patricia gave me a call that day, and usually before we go to the job, I'll come to City Hall and pull a permit. I pulled the permit from Lisa there, walked to the back to Crystal's office and asked what time she could maybe go over there and look at it that day 'cause usually it's just pullin' the covers off, letting them look at it puttin' the covers back on. There's usually not a whole lot wrong. Um at that time, Crystal did say is there any smoke detectors present? I did call the homeowner, asked her if there was smoke detectors in there. She said yes. I did not ask if they were attached to the wall or laying on the floor. When they say there's smoke detectors present, I was under the impression they were on the walls. When we walked in there, I could smell the fresh smell of latex paint where they were painting in there. Receptacle covers, switch plate

covers, lights were hanging down a little bit with tape around them and you could tell there was pain on the floor, plastic everywhere. They were trying to get the heat turned on to dry the paint to put everything back on and they couldn't do that without any electricity. So therefore, at that time, uh whenever I got there, we had put the smoke detectors back up before Crystal even left and we never even paid a re-inspection fee, but it says power was not approved at that inspection, but there was never any other inspection besides that one.

McNeely: The 317 Howard Street, Cora Cutsinger, uh claim there was (?) completely without power and I I emphasize due to faulty wiring....(inaudible)....

Rush: Well that was there was a there's four or five receptacles usually in a normal bedroom. There's usually one or two on each wall. Whenever they were in there doing the construction process, I gave them one receptacle in one room to plug battery chargers, power saws and stuff like that and use that in that room and in the throughout the house when they were in the construction process. Whenever we went through and installed the reset of the receptacles in the house after drywall was done, all the receptacles in that room were hooked up correctly, but behind that one construction receptacle that has a jumper wire that goes to all the other receptacles, that was capped off and not hooked up 'cause I didn't wanna energize the whole room when they were under construction. I just gave 'em what they needed at the time and they only needed one receptacle so that's....I hooked one 20 amp breaker up to a 20 amp receptacle with 12 gauge wire and I capped it off at that point so it didn't go anywhere else throughout the house. And whenever Chris may came and plugged his plug-in tester in, all I did was pull the receptacle out, take the wire nuts off and strip the wire and hook it up and put it back in the wall. Does that....

McNeely: Inaudible comment.

Rush: No.

McNeely: Any idea why(inaudible)....

Rush: Not to my knowledge.

McNeely: There was a receptacle in the kitchen that was not GFCI....(inaudible)...

Rush: Yes.

McNeely:(inaudible)....correct. You did your electrical work....(inaudible)...

Rush: There was just....

McNeely: Inaudible interruption.

Rush: Yes. There was just a cabinet in place with a countertop. It was in a nursery. I figured it was the changing table. I did not see any provisions for a sink at that time when we went through and installed all the electrical devices.

McNeely: He said that later on the church changed its mind(inaudible)....

Rush: Yes. That corner of the room where that nursery is was right back to back of the bathroom and they added a sink off the bathroom drains and supply lines and cut a hole inside that countertop and placed the sink in there. And at that time, when I was made aware of it, I took the regular receptacle out and placed a GFI in its place.

McNeely: Uh (?) claims that the service panel was not labeled....(inaudible)....

Rush: Uh panel on there at Cora Cutsinger's, the labels, if you open up.....I don't know if you guys have seen a panel cover, but when you open up the cover, there's a door usually with labels there beside the breakers but you can't see the number of the breaker. I actually had the labels on the door at that time so if you open the door and look over here, you see number 1, breaker 1 and it was labeled you know bedroom or whatever it was at that time.

McNeely: Inaudible comment.

Rush: Yes.

McNeely: Inaudible comment.

Rush: The only thing I did for Bill Rasner he said his HVAC guy came and installed uh exhaust fans in the bathrooms prior to one of Crystal's inspections. She came in there and seen there was no exhaust fans and for the housing act that Bill has to follow for all of his rentals, he had to go if there's not a window in there, he has to install a vent fan. There was already an existing light in those rooms. All he did was take out that existing light and add in an exhaust fan in its place. He just wanted me to go over there to check his HVAC guy to make sure the electrical connections were made correctly. I did nothing with the exhaust vent hose itself.

McNeely: Inaudible comment.

Rush: Nothing that.....

McNeely: Inaudible interruption.

Rush: No. Nothing electrically wrong was present whenever I visited that job.

McNeely: To wrap this up, let's turn our attention to Bible Holiness Church. Let's let's focus on the main issue here. First of all, what's your relationship with Dennis?

Rush: Dennis? Uh I ran into him on many a job. I've been doing electrical work in Shelbyville for the past four or five years now. I've known Dennis since me and my dad used to disconnect services and Dennis would come disconnect 'em for us whenever Ed Johnson was still inspecting. Uh I've known Ed I've known him for a long time.

McNeely: Ever had a problem with Dennis....(inaudible)...

Rush: No, never.

McNeely: You know there was a near miss (?)?

Rush: Yes.

McNeely: Alright....(inaudible)....no disagreement with what they say should be done?

Rush: Correct.

McNeely: How have you done it in the past in similar situations?(inaudible)...

Rush: Yes.

McNeely: Why did you do that way with this one?

Rush: They was instructing me everything had to be finalized. All wires that needed to be landed had to be landed to get permanent power. So in turn, I had to take the main conductors and land them onto those lugs that they're talking about that back-fed the panel. Usually would leave those out or have the temporary feed in a different location to where it does not back-feed to the actual main metering service.

McNeely: Did anybody, specifically Crystal....(inaudible)....

Rush: Yes.

McNeely:(inaudible)....Mr. Webb and Mr.(inaudible)....what's your recollection of that?

Rush: Pretty much word for word what Mr. Webb said. She sit there and when we was going through everything, she says I'm not familiar with any of this. I don't really know what I'm looking at. Can you walk me through it? I walked her through it and then at the end of my conversation with her, she proceeded to tell me how I t needed to be hooked to pass for green tag inspection. So I complied with that and then the near miss incident happened.

McNeely: Would you have hooked it up that way had you been left to your own devices?

Rush: No I would not.

McNeely: Did you know anything about a meeting that she had had with a representative of Duke, the general contractor ...(inaudible)...collaboration that they had reached on how to ...(inaudible)...temporary power....(inaudible)...

Rush: I had not been made aware of that until after the near miss happened. Uh I was up in Indianapolis doing another job. Anthony Webb called me, said hey, Duke's down here. Uh they got their supervisor down here. They had a near miss and I actually had to ask him what the near miss was 'cause I've never had one before and I said what are you talking about. He said one of the wires arced in the back of the panel and it shut the power off in the church. At that time, I told him it tripped the breaker out in the main temporary service at that time, that feeder that I have coming in that says temporary service was on a breaker out there. It wasn't just uh a throw disconnect. It was actual breaker so if it had too much ampacity on that wire or the church was trying to use too much, it would trip the breaker and we had never tripped the breaker up to that time for that service.

McNeely: ...(inaudible)...did you tape the wire? You heard the conversation about whether the wires ends of the wires had been taped.

Rush: Yes there was actual six conductors or two hot conductors per pipe and then one neutral wire. I even taped up the white neutral wires. All six had insulated tape on the end of 'em at least more than six rounds around each end.

McNeely: The day before when the non-Duke employee had showed up out there, tell the board what you what you did so that they could do their job.

Rush: Whenever I noticed SSI which is Indiana Sub-Surface was out there installing the wire inside the conduit that I had provided for 'em in the ground, I went out there, shut the breaker off, removed those wires out of the panel so they could complete their job. That's why that near miss didn't happen the day before and didn't endanger the underground crew was because I was present on that job and I actually shut the power down, moved those wires myself and put them back in there after they were completed. They did not even touch the panel when it was hot.

McNeely: If Dennis had notified you or if Duke had notified you or the general contractor had notified you that a Duke employee was going to be on the scene on ...(inaudible)...would there ever have been a near miss?

Rush: No there would not have been. I woulda came there immediately or told Mr. Webb him all he had to do was go shut a breaker off. The whole thing could've been avoided.

McNeely: Again and you didn't willfully try to hurt Dennis, did you?

Rush: Oh no. No, he's been working for Duke for a long time. He was close to retirement. There, no.

McNeely: I didn't think so and I don't think anybody thinks so....(inaudible)....Uh as far as your competence, would you have preferred to have done it the old the old way that you had always done it?

Rush: Yes, yes. If it would've been the way we have usually done it in the past, those main feeds would not even be hooked up in that CT cabinet or meter base to become energized. I woulda left them dead until I was there with Duke. We woulda made our both connections at the same time, transferred power.

McNeely: And again, why did you do this....(inaudible)...

Rush: I was advised that I would not receive a green tag, so therefore Duke would never have any confirmation that service was ready unless I provided that service to be done that way.

McNeely: Whatever the agreement was between Mr. Butler, Mr. Webb, Crystal to provide temporary power....(inaudible)...

Rush: No.

Bird: Commission, any questions?

Keppel: I've got a question. Let's take it for granted that I'm not an electrician 'cause I'm not. I've heard people talking about responsibilities and you came to an agreement....

Rush: Could you speak a little louder? There's a blower out there. I can't hear nothing.

Keppel: Oh I'm sorry. I have a question. Um you were told to hook the wires up a certain after this agreement was come to, is that correct?

Rush: I was not aware of the agreement. The agreement must have been made after I was told to hook the wires up the way they were.

Keppel: Well I guess what I'm getting at is I said I'm not an electrician. At any point, if you were told to hook the wires up a certain way in that box to provide them power during their uh the

time that they needed it, temporarily. Did you at any time say you know, this is not the best idea in the world?

Rush: Yes, I expressed my feelings very very well.

Keppel: Okay. And what became of that? I mean what happened there?

Rush: Later that afternoon, after me and Crystal got into an argument about that, Crystal and Dann Bird both showed up at that site that same day that later that afternoon and awarded us the green tag and said everything was good to go for our opening ceremony.

Keppel: Okay so at that point, you know that the box is actually hot from both sides?

Rush: Yes.

Keppel: And they apparently know it, we're assuming and Duke knows. Who was supposed to call who before somebody went out there?

Rush: Duke lineman has the I whenever I called new service center for Duke, I requested a phone call whenever they got to the site so I could be there to disconnect power. So lineman was supposed to be giving me a call when he got there. There was numerous people on site. He contacted nobody even in right inside the back door where he was at saying the power's gonna go off or anything to that sort.

Keppel: Okay so I'm involved with wood, not electricity. Who picks up the phone and says hey, I'm ready for my final power?

Rush: That would be the city faxing in their green tag and that would be the last part of the confirmation and then Duke would pretty much.....most the times whenever you're middle of summer and you don't need any temporary power at a job, we would just leave it off for the three to five days. Duke will come out, install the meter at usually 24-48 hours after they receive confirmation that the service has been green tagged. They will come and install the meter. Half the time, I'm not even there.

Keppel: I think I got it. I'll let you know if I have any more.

Bird: Who did who did you express your concern about the way that you were allegedly instructed to uh hook it up?

Rush: Crystal.

Bird: Who did....you expressed that to to Crystal?

Rush: Yes.

Bird: Uh in in what manner did you express that? I mean

Rush: I told her it was wrong. It did not need to be hooked up that way and she kept expressing I would not get a green tag until it was.

Bird: Okay explain to me that this was to take the the temporary power off before you got the permanent power. You that that message was never delivered to you?

Rush: Not at that time, no.

Bird: Well was it ever delivered to you?

Rush: After the near miss, yes.

Bird: After the near miss and and what was your reaction uh when you heard about the near miss?

Rush: I was shocked. Like I said, I didn't even know what a near miss was at that time until I got back to the jobsite and talked to the general contractor, Mr. Webb.

Bird: Uh if you could step aside for a minute, I'd like to ask uh Crystal a couple of questions. You you you've heard uh Mr. Rush's version of what uh what transpired. Uh what do you have any comments to that?

Nanney: Yes, I think it's worth clarifying the agreement that was reached. It was that Dean Rush was to set up everything such that the only thing that had to be done before Duke got there was to pull the temporary cable. Normally, we would require that that be removed, but in this case, the church couldn't afford to wait the 3-5 days that is normally takes Duke to get there after we call in the green tag. So in this case, we worked it out with a representative from Duke, Mr. Butler, between myself and between Anthony Webb, who was responsible for the job that this would be the process. We will let you leave the temporary cable in there, but it will be removed before the technician arrives. I do believe, as I stated before, that I expressed this to Mr. Rush. I do not have any any recollection of objections from him regarding the safety of that procedure. Um I think that statement frankly is patently false.

Bird: Okay Mr. Mr. uhthank you, Crystal. Uh Mr. Rush? Is it plausible that the individual the serviceman from Duke came out to do the installation uh to to go to permanent power and he saw the green tag and it was okay, and.....

Rush: There was no green tag. Sorry.

Bird: There was no tag?

Rush: There was no tag hanging in there.

Bird: There was no green tag on it at that....

Rush: At actual service on the meter?

Bird: ...at at that time?

Rush: There was no green tag hanging anywhere at that time.

Bird: So there was no way for him to be aware whether it was

Rush: He would've been....

Bird:uh....

Rush: He would've been faxed a confirmation from City Hall to his main office and got his information from his main office.

Bird: Yeah but there would've been no way for him to know that the the cabinet was was energized?

Rush: It would've been noted whenever I called new service center. I left them my phone number to reach me at and I told them he'd be advised to give me a call whenever he got to the job.

Bird: Okay and and you you didn't put any any kind of a warning or any kind of uh a an indication on the uh uh uh the the cabinet that it was energized?

Rush: I did not.

Bird: Okay. In retrospect, uh would that have been a good idea? Assuming assuming all the communications that allegedly went on some of which....

Rush: Um....

Bird:you may or may not of been party to.

Rush: Uh assuming yes, but usually in my whenever I see a big size feeder coming from a temporary pole that is energized going to another service, I would be in suspect that that could be energized and I would test it before I would touch it.

Bird: Okay. So there uh okay. Uh thank you.

Inaudible comment.

Rush: Possible.

McNeely: I mean(inaudible)....an unusual a non-.....(inaudible)....so you didn't know....

Rush: No.

McNeely: There's a possibility that Dennis didn't(inaudible)...

Rush: Uh it should've been on his paperwork whenever service was contacted to call electrical contractor on the job.

McNeely: Inaudible comment.

Rush: Uh huh. It wasn't it wasn't your average job. It was a brand new church out here. There's only a couple of 'em built. There's only Community Church was the last one built probably six or ten years ago so it's not common what was going on out at the church.

McNeely: Did you ever express(inaudible)...

Rush: Very much so.

Bird: Concerns about about what?

Rush: The back-feeding of the panel, the near miss incident.

McNeely: Inaudible comment.

David Rush: I've got a question. Um when Crystal and uh Duke and the job supervisor was there, you were not present?

Rush: I was not.

David Rush: Okay. Uh they come up with this agreement. How did you find out about it?

Rush: After the near miss incident happened, I was.....

David Rush: No. How did you find out how to wire it?

Rush: Me and Crystal were standing there behind the church when she said I couldn't have anything double-tapped. All wires had to be landed in the spots they went in. I couldn't have anything hanging there.

David Rush: Well you said you wasn't there when they were present.

Rush: They weren't there. It was me and Crystal only. He was not there and he was not there. He was at lunch like Crystal said.

David Rush: Okay. Uh I'm going by what this is wrote up as....

Rush: I understand.

David Rush:that that you were not listed in here and that's the reason I was wondering how you were notified how to wire it and how to leave it and when to disconnect it.

Rush: I was not aware of how to leave it. Whenever they

McNeely: Inaudible comment.

David Rush: Yes.

McNeely: Inaudible comment.

David Rush: Okay well let me go back to the first one then. They collaborated of how it was to be wired. How were you notified?

Rush: What was it? Repeat that one more time.

David Rush: How were you notified how to do it and how to leave it from the collaboration of them?

Rush: The collaboration had not had happened yet. Me and Crystal met on the site and then she called everybody afterward being Anthony Webb and Rick Butler and told them what had happened at mine and hers meeting the first.

David Rush: So you were you were there prior to the collaboration of how this was to be done?

Rush: Yes.

David Rush: Okay.

Marshall: Oh....

Bird: And the panel wasn't energized at that time?

Rush: At that time, no. Not, it was not.

Bird: And....

Rush: Well the the the panel was. The CT was not. I still had the wires. The 4/o's were off the lugs still.

David Rush: So the panel was not energized at that time?

Rush: The panel with the three 200 amp breakers going inside the structure was energized. The CT was not back-fed at that time.

David Rush: Okay. So you were told then when to have it disconnected?

Rush: One one more time?

David Rush: When you energized that panel along with the CT cabinet, you were told then when to disconnect the power?

Rush: No.

David Rush: You were not?

Rush: No. I was pretty....I mean it was pretty aware that it had to be shut off before Duke got there whenever they advised me to hook it up the way they did.

Bird: So you didn't know when Duke was going to get there?

Rush: I did not know the exact day, no. Like I said, it usually takes 3-5 days. The underground crew showed up the very next day Duke was there. And the very next day (?) our power was on and we was functioning.

Wirrig: And you under....(inaudible)...

Bird: Go ahead.

Rush: Yeah.

Wirrig: And you understood that when you landed those 4/o conductors to the CT cabinet that that would energize conductors in the CT cabinet?

Rush: Yes.

Wirrig: And that's where Dennis would be hooking up to the new service?

Rush: Yes. Like I said before, that was I expressed my concerns about back-feeding that panel. Crystal ended up getting we got upset at each other. She left and then her and Dann came back to that site after lunch when Mr. Webb was there. They talked to Mr. Webb. I was not present at that meeting as well. They talked to Mr. Webb and then after I talked to Mr. Webb after they left, he said everything was okay.

Wirrig: And you did not indicate inside the CT cabinet or on the outside of the CT cabinet that there were energized conductors inside?

Rush: There was no no labels or verification they were hot.

Wirrig: No tags?

Rush: No. I have no such tag 'cause that usually, we don't I don't like to have hot things that don't have to be hot at that time.

Wirrig: Okay.

Bird: In retrospect, what have you what would you have done differently?

Rush: I woulda left the main conductors off and when Duke came there to hook up, he woulda seen main conductors off in the panel and he wouldn't a hooked his side up and he woulda had to call me to come install my main conductors and no back-feeding would've been possible.

Bird: And Mr. Webb was uh aware of your concerns?

Rush: Yes.

Bird: Let me ask a couple of other questions on uh 317 Howard Street. Uh it's noted there that you were working for three weeks uh without a permit.

Rush: At that job, when I went over there to go look....Cora Cutsinger is David Parker's mother-in-law. I work with David Parker. He's a drywaller here in town. I do numerous jobs with him. He had me come into this house and set it up for a rental and he said he wanted to go through and maybe put some new receptacles, new switches in there. I gave him a quote on that at that time. We went in there, took out all the receptacles, all the devices. He was gonna paint, patch some holes in the ceiling, put a new roof on. We was gonna come back and install new devices after painting was done. Whenever I received whenever I was sittin' there and I was

thinkin' man, it's like three or four weeks since I've been over there and they haven't called me back for paint, I arrived back on the job and they had what cut some of the walls out and removed walls and there was wires hanging from the ceiling and whenever I got in there, I went and pulled the permit back on it and pulled a rewire permit because we pretty much rewired the whole house at that time whenever he started movin' walls and taking plaster off and puttin' drywall up 'cause he couldn't get the walls straight. That was his excuse to me. So whenever I went back to that job after thinking we're just gonna replace devices and switches and receptacles and update the house and just....it had two pronged receptacles in it. We was gonna change 'em out to three prong and make it up to date. Uh went back to the job and I looked up at the ceiling and there's wires hanging out of the ceiling. We had to take Sawzalls and cut actual 2 'x 4's off around the wires. Uh all the power was shut off in the house. And at that time, is when I came to City Hall and pulled the reconnect permit or not the reconnect, but a rewire permit for that for that address.

Bird: You you were informed that you had to pull a permit or that you had

Rush: I was up at City Hall when I pulled the permit, uh walked back to Mr. Hext's office and was talking to him about the job and he said that it looked like work had been done without a permit and I advised him that it had not been. No no fine was imposed.

Bird: I'm I'm sure you've read uh the the the the memos or the um do you think in any any any of the situations cited where the code was was indicated that it did not match to that code? Do you think any of those are are valid or is it the type of thing that you you may have done work uh that you were aware of the code or you did work that you weren't aware of the code in any of the items scheduled any of the items cited?

Rush: There might've been one or two code violations. None of us are perfect. I do numerous jobs a year. If there's a code violation when it gets inspected, I'm pretty quick to fix it.

Bird: Do you do you discuss this with the inspectors at the time? Is it a discussion type of thing that this meets code, this doesn't meet code, oh let's do that, uh okay we'll change this?

Rush: Yes.

Bird: Would you characterize that that's that that's your general approach?

Rush: Yes. If they can prove adequate evidence you know throughout the NEC code book that that is wrong, I have no I have no objections to change it.

Bird: So they have to prove it to you?

Rush: I just like to see it in the code book.

Inaudible mumbling among board members.

Marshall: Does the inspector have to do that?

Rush: Uh....

Marshall: Ralph always said that he wasn't he didn't have to show you.

Rush: The State inspector uh informed me when he was on the job at the church that they are as much interpreters as they they are inspectors. So if we have a question about the code, they are supposed to interpret it in their way. If I interpret it a different way and it's not right, then I have to change it and it costs money. So if I have a questions or or they are supposed to interpret the code for us to their specifications.

Bird: Any questions at this time?

Marshall: Yeah. Can I ask a couple of questions?

Bird: Okay.

Marshall: Dean, before you sit down....

Bird: Use the microphone.

Marshall: Dean, you you pulled the electrical permit for the church, correct?

Rush: Yes.

Marshall: Mr. Webb did not pull the electrical permit?

Rush: No.

Marshall: You pulled the electrical permit?

Rush: Yes.

Marshall: And if I understood this conversation right, you have a meeting with Tammy or with uh Crystal, excuse me and then with Crystal and uh Dann and it was agreed, directed/agreed whatever, that you would wire up this metering panel in the way that it was done?

Rush: I was not present at the when Dann and....

Marshall: No, no I'm not talking about this other meeting. You said you had a meeting with her behind the building....

Rush: Yes. That was earlier in the day.

Marshall:and then Dann came out later that afternoon and you and Crystal and all got together and decided that's how you were gonna wire the cabinet, is that right or not?

Rush: I I was not at that second meeting of that day.

Marshall: You were not at the second meeting?

Rush: I was not.

Marshall: Okay so when did, so was it following the meeting with Crystal that you agreed to wire the panel up that way?

Rush: At our first, mine and Crystal's first initial meeting, yes.

Marshall: Okay. So so that's when you agreed to do it? Okay. How far....

Rush: Not (?) agreed.

Marshall:is the meeting.....

McNeely: Inaudible comment.

Marshall: Yes. Let's.....

Bird: We provided you with a bottle of water.

McNeely: I I drank it all.

Bird: Let's take a ten minute.....

Ten Minute Recess

Bird: Okay uh what I'd like to do at this point uh well I guess it's Mr. McNeely's turn.

McNeely: Inaudible comment.

Bird: Okay.

Inaudible mumbling.

Webb: Yes. It concerns from Mr. Rush? Yes.

McNeely: Inaudible comment.

Webb: There was a time or two he had mentioned it to me, yes at the church.

McNeely: Inaudible comment.

Webb: This would've been prior. This whole thing, the more it goes, it gets muddier as we talk about it and I would like to say, we had a good relationship with Chris and Crystal at least up 'til today and hopefully we still do. I don't have our final Certificate and I I have several thousands of dollars still waiting on that, so....

Inaudible mumbling & laughter.

Webb: You need me to build you something or....

McNeely: Inaudible comment.

Webb: Yes. From from everything I can recall, yes. I mean the whole thing is a little bit muddy. I I'm not sure who was asking a question earlier. There was two or three instances that are all running together in some of that, but yes everything that he is saying to my recollection is how I recall it.

McNeely: Inaudible comment.

Bird: Okay at this time, I'd like to see if uh Chris

Marshall: We've got some questions.

Bird:or Crystal uh want to make any comments concerning uh the uh

Marshall: I've got some questions.

Bird: I'm sorry. Uh.....

Marshall: I wasn't done.

Bird: Um...

Rush: Yeah. I've got a few.

Bird: The Commission; have a seat. The Commission does

Marshall: I I have some questions.

Bird:have a question.

Marshall: Okay. Dean, just to review for just a minute; you received the electric. You pulled the electrical permit?

Inaudible mumbling.

Marshall: Alright if you want to. I don't care. You pulled the electrical permit?

Rush: Yes.

Marshall: And you had a meeting with Crystal where you agreed that you were gonna wire up this the metering cabinet and all that in a certain way?

Rush: Yes, the switch panel....(inaudible)...

Marshall: Now, how far is the metering cabinet from the CT cabinet roughly?

Rush: Ten feet.

Marshall: Are they both visible one from the other?

Rush: Yes.

Marshall: Could can I see one from the other and vice versa?

Rush: Yes. You can stand in the middle and almost reach your hands on both of them.

Marshall: Or if I'm standing at one, can I see the other?

No audible reply.

Marshall: Okay. Were either of the boxes marked in any way like hot, energized? Any way was it were either of them marked that they were electrified?

Rush: Not electrified at that time.

Marshall: With any kind of a sign, piece of cardboard written hot on it....

Rush: No.

Marshall:anything like that?

Rush: No.

Marshall: Okay. Okay, alright. Now who calls....if you have the electrical permit, you're holding you pulled the permit, who calls for the inspections? Does the electrician call for the electrical inspections?

Rush: Usually if there's just an electrical permit pulled only on the job, it's usually the electrician. But when there's plumbing, HVAC and all the other subcontractors, usually the general contractor will call when we're all ready.

Marshall: Really? Okay.....(inaudible)....Okay um Dean, that's really all I've I'veoh and you do agree with all these other folks that this was kind of a unique and unusual installation?

Rush: Yes.

Marshall: Okay, cool. That's all I got for you. Uh Rick Butler? I'm I'm done, Dean. I've worked you over long enough. You were at this meeting with uh Mr. Webb and Crystal?

Butler: No, sir.

Marshall: Who who was was there somebody from Duke at that meeting?

Butler: Not that I'm aware of.

Marshall: Well it says on this paper that I have here somewhere that Rick Butler of Duke Energy, Anthony Webb and Crystal Nanney of the Building Department collaborated to find a solution.

Butler: I spoke with Crystal on the telephone and uh basically our concern was that the church needed power. They wanted to have their dedication service.

Marshall: Okay.

Butler: I agreed to help in any way that I could to speed up the process to get their power turned on.

Marshall: Okay. Alright.

Butler: And that's as far as I was you know involved in this.

Marshall: So so did you understand about this temporary power arrangement that they had made?

Butler: No uh I had visited the site withactually I had met Chris out there and we met with Mr. Webb. Dean Dean was not present and we saw the temporary the way it was hooked up and we questioned it at that time.....

Marshall: Okay.

Butler:because the panel door was just leaned up against the the switch gear.

Marshall: Right.

Butler: The temporary was running through the bottom.

Marshall: You did see that?

Butler: Yes and I questioned it at that time because he had energized the equipment inside and there was nothing protected.

Marshall: Okay.

Butler: Anyone could've come in, stuck their hand up in there and got an electric shock.

Marshall: Right.

Butler: Uh it should've been brought in through the side with you know through a knock-out. the door should've been secured. I questioned it, but there again, it's not in my authority to say anything about it.

Marshall: Okay. Alright but you're aware it was there?

Butler: Yes. I saw it the day that I inspected the (?)....

Marshall: And and you were aware you were aware that someone someone was going to remove that before permanent power was brought into the cabinet?

Butler: Well as I stated earlier, we leave the temporary hooked up until the last (?).

Marshall: Right. But you...someone knew that....someone at Duke Energy knew that was supposed to be unhooked before you guys hooked it up?

Butler: Before we made it hot, yes.

Marshall: Okay. Alright. Did anybody notify the fellow that went out or fellows that went out to hook up the permanent power of that condition?

Butler: I mean was it on a report or a work order or anything?

Sebastian: I can probably speak to that.

Marshall: Sure. That's that's just what wanna know.

Sebastian: I would say that the only thing Dennis had was a piece of paper and that's what my guys rely on 100% of the time. When the inspection takes place and they say they're ready for permanent service, 99.9% of the time, we will go out ahead of time, after SSI, hook everything up dead and then each customer, we let 'em know hey, we're gonna take your temporary off. We take that meter out. We either have a metering tech there to put the new meter in or we take the meter out of the temporary and we put it permanent on the residence or the business and that's the end of it. It's normally a five minute outage at most.

Marshall: Right.

Sebastian: And the that's the reason we are able to work ahead in a metering cabinet is to make all those connections, get everything ready, get everything ready at the pole. Then the only thing you're doing is making connections at a transformer and puttin' the meter in.

Marshall: I I guess my question....

Sebastian: Does that help?

Marshall: Yeah it does because my question is I've heard a lot of people here talking and I'm not sure who all I've heard from but what I was told was that this was a very unusual situation that no one had ever done before or hadn't seen before or it wasn't

Sebastian: Right.

Marshall: ...common and I guess what I'm questioning was at what point since we knew it was an unusual situation, an uncommon situation, did someone notify....

Sebastian: No.

Marshall:the workers that there was something weird out here and to make sure?

Sebastian: No.

Marshall: And and we're also saying whoever the installers were did not notice that that ten foot away we had a panel that was hot-wired?

Sebastian: No.

Marshall: We did not?

Sebastian: No.

Marshall: Okay okay that that's what I wanted to know. Okay now who tells you....it's my understanding...if I'm no electrician, but it's my understanding there has to be a green tag issued for you guys to put in permanent power and that someone from the City of Shelbyville calls you and tells you that.

Sebastian: They will they will fax...

Marshall: Whether the tag's actually in there or not...

Sebastian:or call the call center....

Marshall:or fax you?

Sebastian:and they will let them know inspection's complete....

Marshall: Right.

Sebastian:and it's approved. And then some, a call center rep will enter that into our computer

Marshall: Right.

Sebastian:and it'll generate a ticket saying inspection complete and it'll show that on the work tabs on the service request and it will let us know that we can go out there. That gets printed by the OC in my building and she hands that work out to my servicemen.

Marshall: So well I really need to direct that at these fellows.....

Sebastian: Okay.

Marshall: Cool. So normally what happens is you do the inspection and say okay it's a green tag and you write it up and hang it on the meter and hopefully nobody steals it but then you go back and write up some papers and give it to Lisa and she faxes it or emails it or something to the people from Duke, right? Isn't that the way that normally works?

Hext: That's correct.

Marshall: Okay. Okay so someone had to tell you to go ahead and hook it up?

Sebastian: We were we were sent a service request order that said inspection complete and it will show you the dates for temporary. It'll show you all the dates and where SSI has finished trenching and placing in conductor and all of those are on a tab at the bottom of the sheet and then it will tell my serviceman to go out and hook up permanent power.

Marshall: Sure. Okay. I got it.

Sebastian: Does that help?

Marshall: Yeah helps a lot.

Sebastian: Okay.

Marshall: Okay and

Sebastian: And it's it's not uncommon for us to go on site and do that prep work ahead of time and not call anybody or get a call because if my guys were making calls to people we were doing that for, they'd be on the phone about 4 or 5 hours a day.

Marshall: If if Duke is aware of an unusual situation, it's not their habit to to write any special note on a work order or let anybody know about that stuff?

Sebastian: With that....

Marshall: And and do your people receive training to look for that sort of thing?

Sebastian: Yes, yes.

Marshall: Okay.

Sebastian: Yes and with the situation with the church, the work order had already been completed and that was setting a new pole running primary and neutral and hanging a 100KBA

can(?) on the pole. So that part of the work order had been done so at that point, it no longer required a crew. We could do it with a serviceman.

Marshall: Right. And the serviceman wouldn't have noticed that?

Sebastian: If the panel was leaned up against there like Rick said and he was working, he should've noticed it.

Marshall: But maybe he had obscured it?

Sebastian: Yeah.

Marshall: The panel might've obscured it?

Sebastian: Yeah because the guy that went out there uh retired but uh he was the best worker I had. He caught more things than anybody.

Marshall: Uh mister acting chairman, I think that's all the questions I had.

Bird: Okay, thank you.

Marshall: I've pretty well talked too long.

David Rush: Mr. Chairman?

Bird: Mr. Rush, Mr. David Rush?

David Rush: Um I'm gonna kinda jump back a minute. I'm I'll well I'll get you while you're up there.

Sebastian: Okay.

David Rush: You say that uh most jobs you come on to you don't notify the people to do your work because you already have a green tag and it's been faxed or mailed or called or however?

Sebastian: Yep and then my serviceman my servicemen will staple that green tag to the order...

David Rush: Uh huh.

Sebastian:and turn it back in.

David Rush: I know I've been hollered at. Where's my green tag?

Sebastian: Yep.

David Rush: I said it's hang or it's laying in the meter base.

Sebastian: Yep.

David Rush: And uh they say well we gotta have it 'cause you know Duke is different than Rush/Shelby.

Sebastian: Yes.

David Rush: Sometime....they're get Rush/Shelby's changing but uh it's different. Um when you come on a job in most instances other than this one, you have no power to the panel, is that correct?

Sebastian: That's correct.

David Rush: Because when you come to the job, they're normally working off of a temporary. All workers are working on extension cords or what....

Sebastian: That's correct.

David Rush:or a temporary equipment of some kind and the panels are not energized.

Sebastian: That's and and to speak to that, with a temporary pole and I know the three of you in here have done it that way. Most of the time, they'll have receptacles below the temporary in a lot of cases where you'll just plug in there and that's the extent of what we feed until construction is getting close to complete where we can do the permanent.

David Rush: Yep. Um I realize that uh when Duke comes on the job, their paperwork says it's ready to be hooked up. Uh to me that tells them this is ready.

Sebastian: Yes.

David Rush: That that does not give them authority to look at other panels to see alright is that energized. They don't have time 'cause they're not....

Sebastian: We don't own 'em.

David Rush: As I understand it, you're not allowed to go in a structure without being told to.

Sebastian: That's correct. Yeah if we don't own it, we don't look at it normally.

David Rush: Yeah that's the

Sebastian: Yeah.

David Rush:thing I've always been told.

Sebastian: Yep.

David Rush: Okay. I'm I that's all I got for you at this time.

Sebastian: Okay.

David Rush: Uh Chris or Crystal or both either one, I don't care, uh would you explain to me rough-in procedures.

Hext: Um if we take uh an average residence....

David Rush: Uh huh.

Hext:a rough-in inspections are requested um generally by the general contractor....

David Rush: Uh huh.

Hext:when he knows that his electrician, his mechanical guy, his plumber, his framer are completely done....

David Rush: Uh huh.

Hext:and this is just prior to insulating and putting drywall on. So we're getting near the end. The rough-in is done before the installation of drywall goes in so that we can see um the wiring, the plumbing and the framing and the mechanical duct work, etc.

David Rush: Okay.

Hext: That is that is when we are called in to do a rough-in. There are occasions on larger jobs such as this church um where we can give a partial rough-in so that these guys can continue to work uh rather than waiting for the last guy to leave and hold up all the other guys.

David Rush: Yeah.

Hext: So we will do partials.

David Rush: Okay. Um I understand that there was you know quite a few rough-ins here and I understand that because it is a big job and like you say uh that gives a quadrant of the structure to go ahead with the next step.

Hext: Right.

David Rush: And the rest of it is still unfinished.

Hext: Correct.

David Rush: Um on the final inspection, what's your uh call on final inspection?

Hext: Uh final inspections are probably the the easier one. We've seen everything behind the walls that are now covered, the drywall and paint and paper. Um we go in make sure for example that the um uh the panels are labeled. Uh we check every receptacle for continuity to make sure that they're wired correctly. Um test all the GFIs, turn on the disposal, flip it off, flush toilets. Um uh it's it's to make sure that when the the new homeowner or the new occupant comes in that we're satisfied that it's it's move-in ready.

David Rush: Okay. Under temporary uh or not temporary under rough-in uh there was some remarks in here that uh panels were not uh laced out, wires just hanging. Uh is that normal?

Hext: Uh for a rough-in uh yes. Um uh you know being an electrician that if you have a 14 gauge wire you do not wanna see it on a 20 amp uh breaker.

David Rush: Uh huh.

Hext: We have no way of knowing that to give it power unless it's all laced up and placed in the pane.

David Rush: Uh huh.

Hext: Um so that's the only way we can tell whether those uh those circuits are landed correctly at that rough-in is to see it. So we we do insist that that there um uh we term it laced up but that the wires are landed correctly.

David Rush: Okay. Uh on finals uh you said that it's real easy 'cause you just look to see that it's all labeled you know everything is done. Uh is that the last thing done on a on a building?

Hext: For the building, yes. Then our reports go to the uh uh the the uh Plan Department where they do their final inspections to make sure that their landscaping, their house numbers

and whatever their criteria is and then they go out and issue a Certificate of Occupancy not us inspectors.

David Rush: Yeah. Okay. Um back on uh Tammy Sue Drive there was a rough-in that passed on the third inspection. The meter base was not set, therefore green tag was not placed. Uh it shows here Duke Energy showed up on 8:30 a.m. on 11/8 uh saying that you know they went ahead and put the meter base or the meter in the meter base and made it hot. Uh there was no inspection there. You know we've got almost two months, a little over a month uh between there, why wasn't there a inspection on the meter base?

Hext: Uh there was subsequently. Uh Dennis and I got together. He pulled the meter so I could look in the meter base.

David Rush: Oh that was after it was energized?

Hext: Yes.

David Rush: Okay so the electrician never called you for a inspection?

Hext: No I arranged that with with uh Dennis.

David Rush: I mean before it was energized?

Hext: Correct.

David Rush: Okay. Um then on uh First Merchants Bank on here at uh incorrect size of amount of conductors uh and then back over here it said something about the ground rod on the light poles. Uh I can go either way on that one but if it was on the print, that's what you have to inspect.

Hext: That's correct.

David Rush: Because anybody could put anything in a structure whether it's right or wrong if they're not following the print.

Hext: That's correct.

David Rush: Uh us as ins, as electricians or I'm speaking for myself, um if I bid a job, I bid it to the print. If I don't hold to the print, then I can be penalized by the contractor and inspector because I didn't do what the print said.

Hext: Right.

David Rush: You know the print tells you pretty fine how you're gonna wire it. It's either copper, aluminum, uh whether it's romex, whether it's pipe. It's pretty plain on these prints uh how you wire it. Uh since it was on the print, then it should've been hooked up. You know that was you're your arguments with uh Dean about it was on the print. It has to be done.

Hext: Right.

David Rush: Uh so you're inspecting what the print says. Uh they gave you a certificate later after the inspection said that it don't have to be that way, is that right?

Hext: Yes.

David Rush: Okay.

Hext: Um and that was that was uh on request of Runnebohm Construction, Tim Weaver who asked if the architect changed their method of of wiring that or grounding it uh and he and he stated that in a letter or under a stamp would I accept that and I said yes.

David Rush: Yeah. Okay...

Bird: Okay I....yeah I believe we went over this previously.

David Rush: Yeah.

Hext: We did.

David Rush: I'm gonna....

Bird: Uh do you have any additional questions or....

David Rush: Yeah. Um okay Chris or Crystal, I think I'm done with you for a moment. I want to talk to Dean a minute. I'm a little unclear here uh find the right paper here. It's uh.....it's from the State Fire Marshal. You had asked him to come in and do an inspection?

Rush: Yes.

David Rush: Okay. Um I don't have that paper here. Alright I'll use his. Um why did you undersize your wire?

Rush: Uh that is the actual size wire that I use on residential services of the same ampacity. I do not upsize them on the commercial rated building.

David Rush: Okay.

Rush: On a 200 amp service, we commonly use 2/o wire. On 400 amp, 800 amp service, we commonly use 4/o.

David Rush: So you were were not clear of working residential versus commercial?

Rush: At that time, yes.

David Rush: Okay. Uh why did you run your grounds and your neutrals together?

Rush: Grounds and neutrals were separated.

David Rush: In the sub panel?

Rush: They were separated in the sub panel.

David Rush: Well in here....

Rush: Neutral...

David Rush:by the state report says they were together.

Rush: No neutrals were on one side and grounds are on the other side. There's two bars....

David Rush: Uh huh.

Rush:in that panel. Grounds were on this side. Neutrals on this side. They were clearly separated. The ground wire ran in from the ground rod to each panel for the grounds and the neutral wire came to the neutral bar for all the neutrals.

David Rush: So you which bar did you hook 'em to?

Rush: The one bar with the bigger lug was my neutral bar and the lug with the smaller was my ground bar.

David Rush: Okay. Did uh you alter the panel any?

Rush: No.

David Rush: So they were still bonded?

Rush: The little bonding bar that went in between? No, that was removed.

David Rush: Do what?

Rush: That was removed.

David Rush: It was removed?

Rush: Yes.

David Rush: So you did alter the panel?

Rush: Uh at time of installation, yes.

David Rush: Okay. So the state report here is not correct?

Rush: On that subject, it must not be.

David Rush: Okay why did you run your ground wires from those panels out to the apparently to a ground rod to a common ground?

Rush: Well I have four ground rods ran outside that building. I had one ground rod for each indoor panel.

David Rush: Uh huh.

Rush: Then I had one ground rod for the CT meter base and the actual switch gear outside. And I tied all those ground rods together with one solid piece of wire so they was all tied together.

David Rush: Why weren't they put in as sub panels instead of feeder panels, ground?

Rush: Because on mywhenever they made me install all my main feed wires to get the green tag inspection, I was under the interpretation that those panels they were calling them main panels on the inside of the building not sub panels at that time. I wired them as sub panels and separated the neutrals and grounds and took the bars out but they kept on calling those feeds coming in to those 200 amp panels the main feeds. Those would've been sub feeds if they were they're sub panels.

David Rush: Okay. So your understanding interior panels and exterior panels are the same?

Rush: Uh interior panels depending on if it has a main breaker on it whether it be a sub panel. Uh if you have a panel on the inside of your house and has a breaker that goes to another panel, that's a sub panel. Usually the panels on the inside of the structures that come from one shutoff are usually just your main panel, not considered subs.

David Rush: Okay so do you run that extra panel in a house that ground wire all the way back to the ground rod?

Rush: I run it back to the actual panel where the power originated from.

David Rush: So that's different than this commercial building?

Rush: On this commercial building, we had one main breaker box

David Rush: Uh huh.

Rush:on the outside that had the three 200 amp breakers in it and the size of ground wire that I ran was number 2 THHN which was oversized to begin with. It did not land in any of the ports that were designed for that switch gear on the outside.

David Rush: Okay.

Rush: I seen no available port to install them in as far as running all in all three individual grounds. The state inspector advised me to run the grounds from the panels on the inside to my one panel and then just have one wire going from the switch gear to the one ground rod. Right now I have it a ground wire from every panel going straight to the ground rod and then all connected.

David Rush: Okay. Um your conductor size uh I'm worried about how you you say you used residential code to wire this commercial building. Uh the interior wire on this building, did you run it as commercial or residential?

Rush: It is 12 gauge like what I'd use at a house (?) for a 20 amp circuit.

David Rush: Okay.

Rush: At a house, see I'd use 12 gauge on a house or I'd use it on a commercial building, industrial. 12 gauge is for 20 amp.

David Rush: So this is all piped or is this all romex?

Rush: MC cable.

David Rush: MC cable.

Rush: And there's over 9000' of it in there.

David Rush: Uh the thing that's really got me, I understand and I argue. I'll tell you up front, I argue with inspectors if I think I'm wrong or right. Uh when the supposedly you're saying that they told you to wire this CT cabinet wire to the main panel hot and leave your temporary in there. Now to me, that throws the liability on me whether that guy got hurt or not. You know or whoever would touch that, the liability would be on you regardless of what they said. Uh to me, I would I have a bad feeling about that. I don't don't....

Rush: That's why that's why the argument was imposed between me and Crystal when she left the property and came back with Mr. Bird later that day. I was I was not happy with having to get my green tag in that way.

David Rush: Uh huh. Well uh I I think on your part, just in my opinion, I think on your part, that is still um mismanagement of how to wire it....

Rush: How was....

David Rush:um 'cause any time you leave a wire hot that's unmarked, uh you're liable for it as elec, as a contractor. Now what you guys do that's helping you uh you're still liable for what they do regardless of whether you know what they done or not, you're still liable for 'em. Um I being right or wrong, whether that's the way they told you to wire it or whether that's your interpretation of the way they wanted you to do it, to me that that is still, as a contractor, that's unsafe and....

Rush: I was aware of that. I was trying to obtain the green tag.

David Rush:I I would've I wouldn't have put the temporary back on it myself.

Bird: Okay.

David Rush: They would've been without power.

Bird: Okay.

David Rush: Um I...

Bird: I, if I might,....

David Rush: Yes?

Bird:uh I uh I think we're understand what he said and understand what you you both said. If if we could move on....

David Rush: Okay.

Bird: ...uh I I'd appreciate it.

David Rush: Alright.

Bird: Uh what I'd like to do at this point, uh thank you, Dean. Uh what I'd like to do at this point, uh if it's okay with counsel uh with uh Dean's counsel is to give uh Chris and Crystal the opportunity to uh rebut any information that's presented or to provide uh an alternative view if you so desire.

McNeely: Inaudible comment.

Bird: Well that that that's certainly uh you know one point of view. What I what I asked uh if there were uh items that were in uh disagreement without repeating things that have been previously stated, uh if you would uh confine uh you're your comments to that and then after after that, we'll ask uh if the uh Commission has any final questions uh and then if uh Mr. McNeely may have final questions. So go ahead, Crystal or Chris.

Nanney: Um gonna go back a few minutes here to some statements that were made. Uh Table 300 point something, I forget, requires...thank you...(?) it talks about minimum cover. Minimum cover is how much dirt you have to have over your conduit and that depth varies based on what's gonna be on the top of that. Um for example pavement, straight grass, so you go by that table and in that table um with respect to the First Merchants Bank when I stated that the burial depth was insufficient, uh 36" is required to the top. Meaning you have to have 36" of cover and yes, we did take into account the depth of the uh pavement that would be there, the final amount of cover that would be present and it was still insufficient so I think that's important to note. Um for the mobile home, the smoke detector uh property, uh Patricia Jiminez, um the owner did not have smoke detectors at all onsite um despite what Mr. Rush may have said. Um she actually went out and bought them herself. I returned there myself later that day and helped her install them. Afterwards I green tagged it, but it's curious because that is what Mr. Rush gets paid to do. I don't know why a final was requested with six receptacles inoperative. Um faulty wiring is a general term. Uh I don't really know what his involvement was at the Rasner property. I only know what I was told by Mr. Rasner. Um however if Mr. Rush did visit the site and do any work there I don't know how he could've failed to notice that the connectors were incorrect. Um the order of events for the Bible Holiness Church as Anthony Webb said has become muddied so let's un-muddy that. 5/1, May 1st, that is the date when we returned to the site after 8 months for the first time and that's when we noticed that temporary power which had been run, supposed to be only for construction equipment was now powering the entire building. All the panels were lit up through temporary power. That can be done according to the NEC with inspector approval but such approval was never requested. It was allowed to remain because we believed it was due to be shortly replaced with the proper permanent service. Um and that was the time that Duke Energy noted that the panel cover was leaning up against it and that the cable was not properly landed and all of that is in the report. Um moving

on down to 5/16, so after that, that is the date that I had the agreement with Rick Butler over the phone and then subsequently with Anthony Webb over the phone about how to safely keep that power in that site. Uh I certainly wouldn't do that favor again, but the argument that I had with Mr. Rush at that time was not about the process for that cable and the power. The argument at that time was uh my response or lack of response to a barrage of complaints about previous jobsites and plans to sue the city. After that, on 5/20, uh Mr. Rush had stated that the agreement for how to do the power happened after the green tag and that's not the order of things. On 5/20 we were called to do the inspection for permanent power. So at that time, it was hooked up the way that we had instructed so it would be it it's impossible to claim that he didn't know because he did it the way that it he was told to do it. Um the violations as noted from the state notwithstanding, when I say he did it the way he was told to do it, it was only with respect to keeping the temporary cable in place. It was not an order. It was saying we will allow you to keep that temporary cable in place provided it's pulled before the technician arrives. So uh one other (?) to notice, if you remove a buss bar from a panel, excuse me if you remove a bonding bar between a neutral buss and a ground buss in a panel, you are actually altering the UL listing of that panel and that is not allowed. The way that you do it is with screws uh you get the right panel to begin with um and those neutrals and grounds are required to never be bonded together after the service panel. Those are sub panels and that was not done correctly. Anything else?

Hext: Um I think you covered....(inaudible)... things I was gonna say....um if I go back to 317 Howard Street very briefly, um as I mentioned to to uh David Rush on a final inspection, uh we generally go in with testers to and we do check every receptacle. And I went into one room and none of the receptacles had power. Um call it a fault, call it I didn't hook a wire, whatever, I have to write it down. We our jobs are to go in and make sure that everything is done to minimum code. Uh we write it down as we see it. That is why on this sheet when you see all the code references um that is why we do that. If we write something up uh correct this, generally there'll be a code reference so that that contractor, whether he be an electrician, a plumber, um can refer to it if they want to. Um I did find that the panel at Cora Cutsinger's house was not labeled and when I went back to do an inspection, uh Mr. Rush drove in behind me with a magic marker and was writing on the panel. Um but on my first go round the panel was not labeled and just to clear those things up. Um but just to reiterate that when these these are generated on lots of different files under the under the uh customer's name. Uh we write our inspections reports uh as as we see them. We don't see it all all the time and I don't know that all the time we do see it all. We do our diligence on that and that's how we generated uh this list of things uh with regard to Mr. Rush.

Bird: Okay thank you. Uh what I'd like to do at this point is is ask Mr. McNeely if he's got any final comments or questions uh and then uh ask the board if if uh how they would like to approach disposition after we close the hearing. You don't really have to say anything if you don't want to but if you feel compelled to....

McNeely: Inaudible comment.

Bird: You mean an hour from now?

McNeely: I understand....(inaudible)....my client...(inaudible)...but at the end of the day, my experience as a lawyer ...(inaudible)...is that(inaudible)....a number of things happened. Crystal herself....(inaudible)...we have an unusual situation here.....(inaudible)...this is... (inaudible)...find out as you trace it all back, everybody was doing their job....(inaudible)... Had Dennis been informed by anyone(inaudible)...there's a lot of(inaudible)....in our office(inaudible)....he especially.....(inaudible)....friends....(inaudible)....and probably for Dennis(inaudible)...Dean's fault for not making(inaudible)...Duke knew about the agreement and didn't tell. The city knew about(inaudible)....the general contractor knew about the agreement and(inaudible)....The only guy that didn't know about it was Dean. At the end of the day, I'm not sure how you allocate the blame....(inaudible)....that this near miss.... (inaudible) ...uh in some circumstances you may be right....(inaudible)...should you have done that? We've all....(inaudible)....should he have said by God, I'm not gonna do it that way and then looked the general contractor in the eye who had to look the pastor in the eye who had to look the building committee in the eye and say you can take your consecration ceremony away and do whatever you want to....(inaudible)....So did he do the right thing(inaudible)....this is not a clear(inaudible)....we're gonna take your license away. You are so incompetent that we're not gonna let you....(inaudible)...If that's the conclusion you come to, be very careful about (inaudible)....I'm not sure how many plumbers and electricians and other people....(inaudible)... the inspector says....(inaudible)...the day before....(inaudible)....but I tell you every major accident(inaudible)....I can always trace it back to one....(inaudible)....Now that's that that's just the facts and I(inaudible)....talk about...(inaudible)....This is not how it should have been done, but she knew that. You stated we knew that. Who else knew it? She knew it. Duke knew it. The general contractor knew it....(inaudible)...something bad(inaudible).... One-sided set of facts...(inaudible)...When you really boil all this down, you've got a handful of code violations.....(inaudible)....you call for a final(inaudible)....go through here. I just wanted you to think about....(inaudible)....you've also got....(inaudible)...

Bird: Okay um I'd like to thank all of the participated in this this hearing and yes?

Nanney: Inaudible comment.

Bird: Uh no, that was you had your opportunity to comment uh before we went to the final.

Nanney: Inaudible comment.

Bird: I I think at this point, uh uh I would entertain the uh if there aren't any questions by the Commission, uh close the hearing.

Marshall: You need a motion for that?

Bird: Yes.

Marshall: I motion.

Jay Wortman: I'll second.

Bird: It's been moved and seconded. All in favor, say "aye".

In Unison: Aye.

Meeting adjourned.