

BEFORE THE STATE ELECTRICAL BOARD  
STATE OF MONTANA

IN THE MATTER OF CASE NO. 2011-ELE-LIC-258 REGARDING:

THE PROPOSED DISCIPLINARY	)	Case No. 1125-2013
TREATMENT OF THE LICENSE OF	)	
SHANE A. ANDERSON,	)	
Master Electrician, License No. 6331.	)	
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**PROPOSED FINDINGS OF FACT; CONCLUSIONS OF LAW;  
AND RECOMMENDED ORDER**

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**I. INTRODUCTION**

Shane A. Anderson appeals from the decision of the State Electrical Board (Board) finding reasonable cause to believe Anderson had committed acts or omissions that authorized the Board to take disciplinary action against his license. Hearing Officer Caroline A. Holien convened a contested case hearing in this matter on July 19, 2013. Michael Fanning, agency legal counsel, represented the Department of Labor and Industry. Anderson appeared on his own behalf. Anderson, Brad Brown, former pastor at Seventh Day Adventist Church in Billings, Montana, and Cristina Medina, Compliance Specialist, testified under oath. The parties stipulated to the admission of Department's Exhibits 4, 6, and 8. Anderson offered no exhibits. Based on the evidence adduced at hearing, the following findings of fact, conclusions of law and recommended decision are made.

**II. ISSUE**

Whether the licensee, Shane A. Anderson, violated the provisions of Mont. Code Ann. § 37-1-136 and, if so, what disciplinary action should be taken against Anderson's license.

**III. FINDINGS OF FACT**

I. Shane A. Anderson has been a licensed electrician in the State of Montana since 2005. Anderson is currently a licensed Master Electrician, license number 6331. There has been no previous disciplinary action taken against

Anderson's license(s). Anderson has never been denied a license. There are currently no restrictions or limitations on Anderson's license.

2. Anderson has owned and operated Anderson Electrical Services for approximately the last eight years.

3. The City of Billings has an established practice of allowing electrical contractors to pull permits for non-profit organizations and churches with the expectation that volunteers will perform the electrical work subject to inspection by the electrical contractor who pulled the permit prior to the final inspection by the City of Billings.

4. In May or June 2010, the Electrical Union contacted Anderson and asked if he would be willing to pull a permit for Daniel "Tim" Montana, who was then a member of the Electrical Union. Montana was a journeyman electrician licensed in the State of Montana. Montana has never been Anderson's employee. Montana was an attendee at the Seventh Day Adventist Church (Church), which was in the process of renovation. Anderson agreed to pull the permit for the Church and was reimbursed by the Church for the \$200.00 permit fee. Anderson understood Montana would perform the electrical work at the Church as a volunteer. Anderson took no money from either Montana or the Church for his services. Anderson also helped locate lighting for the Church, which he sold the Church at cost.

5. In June 2010, Anderson met with Pastor Brad Brown and Montana. Montana showed Anderson his inside workman's license at Anderson's request prior to Anderson pulling the permit. Anderson and Montana agreed Montana would perform the electrical work for the Church and Anderson would inspect Montana's work prior to the City's inspection. Anderson reviewed Montana's work prior to the inspection and found one minor issue that was easily corrected prior to inspection. The work performed at the Church subsequently passed inspection without any issue.

6. Anderson had a genuine good faith belief that he was operating according to the established practice of the City of Billings that allowed electrical contractors to pull permits for non-profit organizations and churches and to allow volunteers to perform the electrical work.

7. In April 2011, the Department received a Board generated complaint against Anderson. The Board's complaint was based upon information it had received regarding the situation involving Anderson and the Church during the course of its investigation into Montana's activities on an unrelated project. Anderson appears to have been cooperative and forthright in his dealings with the Department during the course of its investigation.

#### IV. CONCLUSIONS OF LAW

1. An electrical contractor, master, journeyman, or residential electrician may not allow their license to be used by another individual, firm, corporation, or business for the purpose of obtaining electrical permits or for performing electrical work. Admin. R. Mont. 24.141.403(7). Conduct that does not meet the generally accepted standards of practice is considered unprofessional conduct. Mont. Code. Ann. § 37-1-316(18).

2. Anderson violated Admin. R. Mont. 24.141.403(7) by pulling a permit for the Church and allowing Montana to perform electrical work under that permit.

3. A regulatory board may impose any sanction provided for by Montana Code Annotated Title 37, Chapter 1, upon a finding of unprofessional conduct. Mont. Code Ann. § 37-1-307(e).

4. Montana Code Annotated § 37-1-312(2) provides that in determining which sanctions are appropriate, the Board must first consider sanctions that are necessary to protect the public and only after that determination has been made may the Board then consider and implement requirements designed to rehabilitate the licensee. Among other things, Montana Code Annotated § 37-1-312 provides that a regulatory board may impose a private reprimand and that the Board may further stay the imposition of a sanction.

#### V. RECOMMENDED ORDER

Upon careful consideration of what sanction, if any, is necessary to protect the public, the Hearing Officer recommends Anderson receive a private reprimand and the imposition of that recommended sanction be stayed indefinitely. Anderson appears to have been cooperative and forthright in his dealings with the Department during the course of its investigation.

DATED this 9th day of August, 2013.

DEPARTMENT OF LABOR & INDUSTRY  
HEARINGS BUREAU

By: /s/ CAROLINE A. HOLIEN  
CAROLINE A. HOLIEN  
Hearing Officer

## NOTICE

Mont. Code Ann. § 2-4-621 provides that the proposed order in this matter, being adverse to the licensee, may not be made final by the regulatory board until this proposed order is served upon each of the parties and the party adversely affected by the proposed order is given an opportunity to file exceptions and present briefs and oral argument to the regulatory board.