

# ORANGE COUNTY LEGISLATURE

**Committee: Education and Economic Development**  
**Sponsors: Benton, Simmons**  
**Co-Sponsor: Berardinelli**

**Agenda No. 3**

## LOCAL LAW INTRODUCTORY NO. 13 OF 2013

**A LOCAL LAW AMENDING AND RESTATING LOCAL LAW NO. 8 OF 2007 AS PREVIOUSLY AMENDED, ESTABLISHING THE ORANGE COUNTY ELECTRICAL LICENSING BOARD AND PROVIDING FOR THE QUALIFICATIONS, EXAMINATION, LICENSING AND REGULATION OF ELECTRICIANS IN ORANGE COUNTY, NEW YORK.**

**BE IN ENACTED**, by the County Legislature of the County of Orange, State of New York as follows:

### Section 1. **Legislative Intent.**

The Orange County Legislature received recommendations from the Orange County Electrical Licensing Board requesting amendments to the Orange County Electrical Licensing Law to wit: establishing a separate fee schedule for Class B and Class C licenses; requiring that the installation of permanently or temporarily installed generators be grounded or bonded by either a standby or manual transfer switch into the electrical system of a residence be performed by a master electrician and expanding the provisions of Section 23 for reciprocal licenses.

Section 2. Local Law No. 8 of 2007 as previously amended by Local Law No. 2 of 2011 is hereby amended, renumbered and restated as follows:

## LOCAL LAW NO. 8 OF 2007

**A LOCAL LAW ESTABLISHING THE ORANGE COUNTY ELECTRICAL LICENSING BOARD AND PROVIDING FOR THE QUALIFICATIONS, EXAMINATION, LICENSING AND REGULATION OF ELECTRICIANS IN ORANGE COUNTY, NEW YORK.**

**BE IN ENACTED**, by the County Legislature of the County of Orange, State of New York as follows:

### Section 1. **Legislative Intent.**

The Orange County Legislature does hereby find that the installation, repair and improvement of electrical services and wiring in residential and commercial structures is a unique occupation requiring experience and skills not commonly required for persons performing other occupations. The improper installation, repair and improvement of electrical wiring may create hazardous conditions for the occupants and community. The County Legislature finds that the licensing of electricians is a fair and effective method to insure that qualified persons practice the electrical trade in Orange County in order to protect the public.

Nothing in this local law is designed to interfere with or shall be construed to interfere with (i) any existing state or local law or the industry practice relating to electrical work; (ii) authority of the

local municipalities within Orange County to issue certificates of occupancy or any permits necessary for the performance of electrical work to an electrician who has a license issued by the Electrical Licensing Board pursuant to this local law; or (iii) a homeowner from making electrical repairs to his residence, except as provided in Section 21 of this Local Law.

## Section 2. **Definitions.**

As used in this local law, unless otherwise indicated, the following terms shall have the meanings indicated:

“Board” – The Orange County Electrical Licensing Board established by this local law.

“Chairman” – The Chairman of the Orange County Electrical Licensing Board.

“Class B Electrician License” – An electrical license issued to an applicant for the sole use at, and limited to, a specific facility, as an employee of that facility.

“Class C Electrician License” – An electrical license issued to an applicant for the sole purpose and limited to, work in a specific profession.

“Commissioner: - the Commissioner of the Office of Consumer Affairs and Weights and Measures of the County of Orange.

“County Executive” – The County Executive of the County of Orange.

“County Legislature” – The County Legislature of the County of Orange.

“Hands-on experience” – shall mean working with tools in the installation, alteration and repair of wiring and appliances for light, heat, power and signaling purposes in or on buildings, which work shall have been done in compliance with the National Electrical Code. Hands-on experience shall not include time spent in supervising, engaging in the practice of engineering, estimating and performing other managerial tasks.

“Homeowner” – any person who owns land in Orange County upon which there is an existing, unattached, single-family home used as such person(s)’ primary residence and/or where there may also be non-residential buildings used solely for the private use of such person and the title thereto being the name of such person, and/or his or her spouse, individually or jointly.

“Journeyman Electrician” – an electrician who has successfully completed a formal electrical apprenticeship program which has been registered and approved by (a) the New York State Department of Labor; (b) another state of the United States of America; or (c) the Bureau of Apprenticeship Training of the United States Department of Labor.

“Master Electrician” – a person who has met all the requirements of the Electrical Licensing Board including a passing grade on the Master Electrician exam.

“Person” – an individual, firm, partnership, corporation or other legal entity, whether or not organized for profit.

“Provisional Electrician License”- An electrical license issued to an applicant who qualifies as per the specifications set forth in Section 16 of this local law.

“Shelve” - the voluntary placement by a person of his County of Orange Master Electrician License in an inactive status. A person with a shelved license shall be unlicensed. This person shall not maintain, conduct, operate, advertise, engage in or transact a business as a Master Electrician in the County of Orange.

“Violation”- shall mean an offense, as defined under Article 10 of the New York State Penal Law, punishable by a fine of up to \$1,000.00 and/or a sentence to a term of imprisonment not to exceed fifteen days.

### Section 3. **License Required.**

On or after the effective date of this local law, no person shall engage in, carry on or conduct the business of, or hold himself or herself out as, an electrical contractor within the County of Orange unless he or she is licensed pursuant to this local law or unless employed by a person so licensed.

### Section 4. **Electrical Licensing Board.**

- A. There is hereby established in and for the County of Orange, a Board known as the “Orange County Electrical Licensing Board” comprised of the following ten (10) individuals who reside in Orange County:

The Commissioner who shall be a non-voting member of the Board;

One (1) individual who is qualified as an Electrical Inspector in New York State;

One (1) member representing the licensing boards of the three cities

(Newburgh, Middletown and Port Jervis) located in Orange County;

One (1) union contractor who shall be a licensed Master Electrician;

One (1) open shop contractor who shall be a licensed Master Electrician;

Two (2) members of the public;

One (1) individual representing the County Executive;

One (1) County Legislator designated by the Chairman of the Legislature; and;

One (1) representative from the Association of Supervisors and Mayors of Orange County.

- B. Members of the Board, except for the Commissioner, shall be appointed by the County Executive, subject to confirmation by the County Legislature. Of the members first appointed, one shall be appointed for a term of one (1) year; two for a term of two (2) years; three for a term of three (3) years; and three for a term of five (5) years. Members may continue to serve after the expiration of their respective terms of office until their successors have been appointed and confirmed. The successors of all members of the Board thereafter shall be appointed for terms of five (5) years.
- C. The Board shall elect a chair, vice-chair and secretary from its membership annually.
- D. A majority of the Board shall constitute a quorum for the transaction of business.

- E. Compensation to be paid to the members of the Board, if any, shall be determined by the County Legislature.

**Section 5. Powers of the Board.**

The Board shall have the following powers and duties in addition to that elsewhere prescribed in this local law:

- A. Hold regular monthly meetings and special meetings as often as necessary or required. At least twenty-four (24) hours written notice of a special meeting shall be given to the members of the Board.
- B. Adopt by-laws and such rules and regulations as may be necessary to implement this local law, including licensing standards not inconsistent herewith. A certified copy of such by-laws and rules and regulations shall be filed with the Clerk of the County Legislature prior to its effective date.
- C. Review qualifications and fitness of applicants for licenses under this local law.
- D. Assist in the preparation of and review standard written tests in such form as determined by the Board from time to time, based on the applicable New York State Uniform Fire Prevention and Building Code and relevant reference standards provided in the Code and grade such tests in accordance with such standards.
- E. Issue licenses as authorized by this local law to applicants possessing the requisite qualifications. Licenses shall be signed by the Chairman and the Secretary of the Board.
- F. Issue notices of violation, appearance tickets, hear and dispose of complaints of alleged violations of this local law. Suspend and/or revoke licenses. Impose and collect fines and penalties. Refer violations to the County Attorney to institute legal action in the name of the County of Orange and enjoin unlawful activity.
- G. Comply with the New York State Public Officers Law (Open Meetings Law & Freedom of Information Law).
- H. Suspend or revoke licenses "for cause" as per Section 19.
- I. Keep records of all of its meetings and proceedings and of all licenses issued, suspended or revoked and of all fines imposed.
- J. Allow the Commissioner to issue notices of violations and/or appearance tickets for alleged violations of this local law.

**Section 6. Applications for Licenses.**

- A. Every person seeking a Master Electrician's License in Orange County shall make application, along with the required fee, to the Board in the form and manner prescribed by this local law and any rules and regulations of the Board.

- B. No person shall apply for a license unless, prior to the administration of a written examination, such person satisfies the qualifications set forth herein for a Master Electrician's License.

Section 7. **Licenses; Term, Renewal, Fees.**

- A. The Board may issue and renew a Master Electrician's License. Such license shall permit the licensee to engage in the business of an electrical contractor who is an owner, officer or partner of an electrical contracting business within the County of Orange for the period of one year from the date it was issued. A Master Electrician will only be entitled to possess one (1) valid Master Electrician's License pursuant to this local law for any given year.
- B. The license fee shall be as follows:
  - i. Residents of Orange County – five hundred (\$500) dollars - for persons who (i) have passed the examination, or (ii) are entitled to a temporary license under Section 16 or (iii) can be issued a license under Section 15 (Grandfather Clause);
  - ii. Residents of New York State - seven hundred and fifty (\$750) dollars;
  - iii. Non-residents of New York State - one thousand five hundred (\$1,500) dollars.
- C. The license fee for a Class B and Class C license issued in accordance with this local law shall be two hundred (\$200) dollars.**
- D. Each application shall be accompanied by a non-refundable check or money order representing the fee as determined by the Board for administration of the examination.
- E. Renewal. All licenses issued under this local law must be renewed annually on or before the expiration thereof for the period of one (1) year upon payment of the applicable annual fee set forth below:
  - (i) Master Electrician's License: one hundred and fifty (\$150) dollars for residents of New York State and three hundred and fifty (\$350) dollars for nonresidents of New York State.
  - (ii) **Class B or Class C Licenses: fifty (\$50).**
- F. Each application for renewal of a license must also be accompanied by proof that the individual has successfully completed a refresher course on changes to the New York State Uniform Fire Prevention and Building Code and the current National Electrical Code version adopted by New York State.
- G. Licensed Master Electricians who are not actively engaged in the business of Master Electrician may shelve such a license for a fee of fifty (\$50) dollars per year.

- H. Failure of a licensed Master Electrician to renew such license after fifteen (15) days of the expiration date shall result in a penalty of fifty (\$50) dollars. If renewal is not received within thirty (30) days from the expiration date, it shall result in revocation of the license unless, upon good cause shown, an additional thirty-day extension is granted by the Board.
- I. Each Master Electrician duly licensed under this local law shall list his or her license number in each advertisement, estimate, bill or contract and post such license number at each job and prominently display it on the electrical license decal issued by the Board on each vehicle while in the course of said licensee's trade or business. One decal shall be provided free of charge upon the issuance of a license hereunder. A fee of ten dollars (\$10) shall be charged for each additional decal needed to comply with the provisions contained herein. Said decals shall include the words "Orange County" and "electric" or "electrical", which must be clearly legible from a distance of fifty (50) feet.
- J. The fee for a Master Electrician's License, "Certificate of Name Change" after initial issuance of Master Electrician's License shall be one hundred and fifty dollars (\$150.00). A "Certificate of Name Change" shall only be issued to a qualified person as required by this local law who is also the owner, officer, or partner of an electrical contracting business.

**Section 8. Exemptions from License Requirement.**

This local law shall not apply to:

- A. Persons engaged solely in selling or solely in the attachment of ordinary electric appliances to existing circuits where no jointing or splicing of electrical conductors are required;
- B. The installation, maintenance or repair of elevators, dumbwaiters and escalators;
- C. The repair of heating systems;
- D. Any work involved in the manufacture, assembly, test or repair of electrical machinery, apparatus, materials and equipment by a person, firm or corporation engaged in electrical manufacturing as his principal business; and
- E. Persons employed by public service companies authorized to do business in the State of New York;
- F. Homeowners engaged in the installation, maintenance, replacement and/or improvement of electrical work in their primary unattached single family residence which is greater than one year old. Replacement shall not include replacement of the entire electrical service on

such residence. All such work must comply with local municipal building permit requirements. To the extent that a building permit is required, such electrical work must be inspected by a certified electrical inspector as defined under Section 22 of this local law.

No homeowner shall engage in:

- (i) the construction and installation of electrical wiring for any electrical equipment in or adjacent to all swimming pools, (in-ground or above ground), hydro massage bathtubs, fountains, hot tubs, spas and wading, therapeutic and decorative pools as is covered under Article 680 of the National Electric Code in the current National Electrical Code version adopted by New York State.
- (ii) the installation of permanently or temporarily installed generators required to be grounded or bonded by either a standby or manual transfer switch into the electrical system under Articles 250 or 702 of the National Electric Code in the current National Electrical Code version adopted by New York State.**

## Section 9. **Applications.**

Every person desiring a license as a Master Electrician under this local law and who meets the qualifications set forth herein shall apply for a license in such form and detail as the Board may prescribe. Such application shall state, among other things:

1. Name, home and business address;
2. Telephone number;
3. Social security number and employer identification numbers;
4. Valid passport photos for identification;
5. A statement of all qualified work experience and education, setting forth names, addresses and descriptions of work performed or degrees attained, and dates of employment or attendance;
6. A statement of whether the applicant was licensed under any other law, where such license is currently valid, whether such license was ever suspended, revoked or other action taken and, if so, the disposition thereof;
7. A statement of whether the applicant was ever convicted of a crime other than a minor traffic infraction, and if so, the disposition thereof;
8. An authorization to the Board to investigate the facts set forth in the application as required to make a determination as to the person's qualifications for an electrical license;
9. A statement that such application is made under penalties of perjury.



## Section 10. **Qualifications for Applicants for Licenses.**

To qualify for the examination, all applicants must possess a minimum of seven (7) years of experience in the installation, alteration, and repair of wiring and appliances for light, heat and power and signaling in or on buildings under the requirements of the National Electrical Code as required by the New York State Department of State, Division of Code Enforcement and Administration and/or any municipal codes within the United States which equal or exceed the requirements of the National Electrical Code.

The Board must compute an applicant's years of experience as follows:

- A. Completion of a four-year apprenticeship program approved by both a Federal agency and a Federally-certified State agency and has worked at least two (2) years with his or her tools on the installation, alteration and repair of wiring and appliances for light, heat and power and signaling purposes in or on buildings. A Certificate of Completion issued by the apprenticeship program and a certification by an employer regarding the additional two (2) years of hands-on work experience shall be submitted with the application for the electrical license examination; or
- B. A journeyman electrician who has worked at least two (2) years as a journeyman with his or her tools on the installation, alteration and repair of wiring and appliances for light, heat and power and signaling purposes in or on buildings. The applicant shall submit proof of having satisfied the definition of a qualified journeyman electrician and a certification by an employer regarding the additional two (2) years of hands-on work experience; or
- C. A graduate engineer of a college or university who holds a degree of electrical engineering, master engineering or Bachelor of Science in electrical engineering and has in addition worked at least three (3) years with his or her tools on the installation, alteration and repair of wiring and appliances for light, heat and power and signaling purposes in or on buildings. The applicant shall submit a copy of his or her diploma and a certification by an employer regarding the additional three (3) years of hands-on work experience; or
- D. A high school or equivalent who is a graduate of a vocational, industrial or trade school in electric wiring, installation and design or applied electricity, and has worked at least six (6) years with his or her tools on the installation, alteration and repair of wiring and appliances for light, heat and power and signaling purposes in or on buildings. The applicant shall submit a copy of his or her diploma or equivalency diploma and a certification by an employer regarding the additional six (6) years of hands-on work experience; or
- E. A person who attended courses in a college or university leading to a degree in electrical engineering, mechanical engineering, Bachelor of Science in electrical engineering or mechanical engineering, who passed all subjects in



the required courses shall be credited with practical experience equal to fifty (50%) percent of the number of curriculum years he has satisfactorily completed which, in no event, however, shall exceed one (1) year's credit of practical experience, and an additional six (6) years of hands-on work experience must have been obtained by working with his or her tools on the installation, alteration and repair of wiring and appliances for light, heat and power and signaling purposes in or on buildings. The applicant shall submit a copy of his or her school transcripts and a certification by an employer regarding the additional six (6) years of hands-on work experience; or

- F. A person who worked in the field of electrical contracting for at least seven (7) years immediately preceding the date of application. The applicant shall submit a certification by an employer regarding the additional seven (7) years of hands-on work experience.

A year of practical hands-on experience shall be credited if such person was employed in a part-time capacity and the hand on experience was completed within a period of twenty-four (24) consecutive months.

#### Section 11. **Other Qualifications.**

A person who applies for a Master Electrician's License must prove to the satisfaction of the Board that he or she is a competent electrician and qualified to do electrical contracting, construction and installation of electrical wiring; has a working knowledge of electricity and the natural laws, properties and functions of electricity and of appliances, apparatus, materials, devices for electric, light, heat, power and signaling systems used and required in such work, combined with a practical working knowledge of the requirements and provisions of the National Electrical Code and a knowledge of the provisions of this local law and the rules and regulations of the Board and the State of New York, if any, and of the County of Orange for installation of electrical wiring, devices, appliances and equipment and of the provisions thereof requiring permits therefor.

#### Section 12. **Examinations.**

- A. All applicants for a Master Electrician's License must submit to and pass an examination. Examinations shall be in writing or in such form as determined by the Board from time to time. An applicant must receive a grade of seventy-five (75%) percent or more to pass the examination. A complete record of every examination given shall be kept on file for three (3) years after the date of the examination. Examinations shall be held at such times and places as the Board may fix.
- B. The applicant must present himself for examination at the time and place specified in a notice from the Board.
- C. An applicant who fails his or her first examination shall not be eligible for reexamination until the next regularly scheduled exam. A person who fails the examination twice shall not be eligible for further

reexamination until at least six (6) months have elapsed from the date he or she last took the examination.

**Section 13. Approval or Denial of License.**

- A. Upon meeting all the requirements of this local law, the Board shall direct the Chairman and Secretary to issue a Master Electrician's License to the applicant. The individual's name shall then be placed on the Orange County list of qualified Master Electricians.
- B. Failure to pass the exam with a passing grade of seventy-five (75%) percent or more, or to meet the qualifications and other requirements set forth herein, shall be summary grounds for denial of a license under this local law.

**Section 14. Denial of Licenses; Hearings.**

- A. If the Board shall deny a license the Board shall set forth the reasons for such denial in writing and mail it to the applicant by certified mail, return receipt requested within ten (10) business days after a determination has been made by the Board. Failure of the written examination shall be grounds for summary denial of a license. Within thirty (30) business days after the date of mailing such notice of denial, the applicant may, by written request, seek a hearing to review the determination of the Board. All such hearings shall be held and conducted in accordance with the attached Regulations for Adjudicatory proceedings.
- B. No application shall be denied on the grounds that the applicant was convicted of a crime, except in accordance with Article 23A of the Corrections Law.

**Section 15. Grandfather Clause.**

- A. Any person possessing a certified copy of a Master Electrician's License issued by Middletown, Newburgh or Port Jervis, which was valid and effective as of the date of the adoption of this local law and who completes an application to the Board as required by the Board no later than two (2) years from the date of the adoption of this local law shall be entitled to an Orange County license without examination.
- B. Any person who can show proof that he or she has been in business as an electrical contractor continuously and competently doing the work of a Master Electrician in Orange County for at least eleven (11) consecutive years prior to the date of the adoption of this local law and this work is a principal source of livelihood for that person, and who completes an application to the Board as required by the Board no later than two (2) years from the date of the adoption of this local law shall be entitled to a Master Electrician's License without examination, which will not apply in the cities of Middletown, Newburgh and Port Jervis, where an examination has been a requirement.
- C. Any person who is issued a Master Electrician's License under this

Grandfather Clause may renew said license annually on or before the expiration of the license upon payment of an annual renewal fee.

- D. If a person is issued a Master Electrician's License under this Section, such person may renew his or her license for an additional fee without taking the written examination only if: (a) he or she has been actively and continuously engaged in work as a Master Electrician under the supervision of a licensed Master Electrician since the issuance of his or her last valid Master Electrician's License; or (b) he or she has been actively and continuously engaged in work as an inspector of electrical work; or (c) he or she has not been actively or continuously engaged in work as a Master Electrician during the past two years but can provide proof acceptable to the Board that he or she has recently participated in a continuing education course updating his or her knowledge of the work of a Master Electrician.
- E. If a person fails to apply for a license under the Grandfather Clause of this local law within five (5) years of enactment of this local law, then said person must comply with all the other requirements contained in this local law in order to receive an Orange County Master Electrician's License.

Section 16. **Provisional Master Electrician's License.**

A person who has been in the electrical business in Orange County, continuously and competently doing the work of a Master Electrician, for a period of less than eleven (11) consecutive years but more than seven (7) consecutive years, prior to the date of the adoption of this local law can apply to the Board for a Provisional Master Electrician's License. Upon completion of eleven (11) consecutive years of successfully and competently performing electrical work in Orange County, such person may apply to the Board for a Master Electrician's License under Section 15 (Grandfather Clause) of this local law.

Section 17. **Office Requirements.** [Repealed in its entirety]

Section 18. **No Transferability of License; Designation and Termination of Supervisor, Name Change, Display of License.**

- A. No license issued hereunder shall be assignable or transferable.
- B. Each license issued hereunder shall specify the name of the person, firm, partnership, corporation or other legal entity, who or which shall be known as the "holder of the license." The license of an electrical contractor shall specify the name of the person who is the Master Electrician, and such person shall be designated in the license of an electrical contractor as the supervisor of all work to be done under the license.
- C. In the event that the business association of the supervisor of the work, or the employment of the supervisor of the work by the electrical contractor shall terminate, the supervisor of the work shall notify the Board of such fact

forthwith and upon notification the license shall no longer be licensed pursuant to the local law.

- D. All licenses shall be numbered in the order in which they are issued and shall be in such form and of such color and shall contain such information as may be prescribed by the Board.
- E. Each license shall at all times be kept conspicuously displayed in the place of business of the licensee.

**Section 19. Imposition of Fines; Refusal, Suspension or Revocation of License.**

A Master Electrician may be fined or his or her license refused, suspended or revoked by the Board for any one (1) or more of the following reasons:

1. Violation of any provision of this local law or of any rule or regulation adopted hereunder by the Board or any other law or ordinance pertaining to electricians;
2. Violation of any law, rule, regulation or any building code governing electrical work, or any order issued by building departments of any municipality in Orange County;
3. Violation of any requirement contained in the rules and regulations of the National Fire Protection Association or the National Electrical Code;
4. Conviction of a crime by a court of competent jurisdiction where there is a direct relationship between the crime and the specific license sought; or the issuance of the license would invoke an unreasonable risk to the property or to the safety or welfare of specific individuals or the general public;
5. Fraud, misrepresentation or bribery in securing a license;
6. The making of any false statement as to a material matter in any application for a license or name change;
7. The business transactions of the Master Electrician have been marked by a practice of failure to perform contracts or the fraudulent manipulation of assets or accounts;
8. Failure to display the license decal issued under this local law;
9. Maintaining, conducting, operating, advertising, engaging in or transacting a business as a Master Electrician in the County of Orange with a shelved license; or

10. Employing an unlicensed subcontractor or subcontractors to perform electrical work or any combination thereof in the County of Orange.

Section 20. **Penalty for Offenses**

- A. Failure to comply with the provisions of this local law shall constitute a Violation and shall be punishable by a fine not to exceed One thousand dollars (\$1,000.00) and/or imprisonment not to exceed fifteen days.
- B. The Commissioner, and/or his or her designee, shall have the authority to issue violations and/or appearance tickets as they are defined in this local law and Article 150 of the Criminal Procedure Law.
- C. Nothing herein contained shall prevent the Commissioner from proceeding to enforce by both Criminal and Civil Action the requirements of this local law.
- D. The Board may withhold the issuance of a license, either new or renewed, to any person who has failed to pay any fine imposed pursuant to the provisions of this local law.
- E. Nothing in this local law shall prevent a local municipality or law enforcement agency from initiating independent proceedings against a Master Electrician or any other person who has violated any other law.
- F. Prior to the imposition of any fine or penalty or the refusal, revocation or suspension of a Master Electrician's License, the applicant or licensee shall receive in writing, all the particulars of the alleged violation and shall have an opportunity to present his or her defense at adjudicatory proceeding as set forth in the attached regulations.

Section 21. **Liability for Damage; Insurance.**

- A. This local law shall not be construed to relieve, limit or reduce the responsibility of any person owning, operating, controlling or installing any electric wiring, devices, appliances or equipment for loss of life or damage to person or property caused by any defect therein, nor shall the County of Orange be deemed to have assumed any such liability by reason of any license issued pursuant to this local law.
- B. Every person holding a license shall submit proof to the Board that he or she maintains liability, workers compensation and disability insurance for damage to persons and property in connection with the carrying on of his business as a Master Electrician in such amounts as shall be established by the Board from time to time.
- C. The failure to maintain an insurance policy or file proof of coverage shall be grounds for the summary suspension of such person's license under this local law, which suspension shall

continue in effect until coverage is obtained or reinstated.

Section 22. **Installation Standards; Evidence of Proper Installation.**

- A. All installations of, extensions to and alterations of electrical work within the County of Orange shall conform to the National Electrical Code and of any other applicable statute, ordinance or building code pertaining thereto and shall also be in conformity with approved standards for safety to life and property. In every case where no specific type of class of material or no specific standards are prescribed by law, conformity with the regulations and requirements contained in the applicable New York State Uniform Fire Prevention and Building Code and the relevant reference standards provided by that code contained in the current National Electrical Code version adopted by New York State shall be prima facie evidence of conformity with approved standards for safety to life and property.
- B. Inspections made and the certificates of approval or permits issued by a certified electrical inspector approved by the local municipality having jurisdiction over building permits for such electrical installation in the County of Orange shall be deemed by the Board as evidence of proper installations.

A certified electrical inspector shall be an individual who has met the minimum qualifications as recommended by the National Fire Protection Association and who has also received certifications by a nationally recognized inspection certification program.

Section 23. **Reciprocal Licensing.**

- A. The Legislature may authorize the County Executive to enter into reciprocal license agreements with individual municipalities or other jurisdictions within New York State upon the recommendation and finding of the Board that the qualifications required for a Master Electrician's License in such municipality or jurisdiction are equal to or greater than those required by this local law.
- B. Pursuant to such formalized reciprocal license agreements, the Board shall be authorized to issue reciprocal licenses upon such terms and conditions as are applicable to the individual reciprocating municipalities and other jurisdictions. Said licenses may be granted without examination upon application to the Board and payment of all required fees.
- C. **However, a reciprocal master electrician's license shall only be issued if the municipality or jurisdiction which licensed such individual is similarly issuing a reciprocal license to individuals licensed pursuant to this section. Said licenses may be granted without examination upon the filing of an application with the Board, submission of a certificate from the reciprocating municipality or jurisdiction that the individual requesting such license is in good standing, the payment of all required fees and such other and further terms and conditions as the board deems appropriate.**

- D. Reciprocal master electricians license shall only be valid for a period of one and may only be renewed from year to year if there is reciprocity between the County of Orange and the reciprocating municipality or jurisdiction at the time of each such renewal.**
- E. The initial fee for a reciprocal master electrician’s license shall be \$500.00 and may be renewed annually on or before the expiration thereof for the period of one (1) year upon payment of the below applicable annual fee of \$200.**

**Section 24. Issuance of Permits by Municipalities.**

Nothing contained herein shall be construed to obviate the necessity of procuring a permit for electrical work whenever required by statute, local law, resolution, building code or ordinance of the municipality wherein such work is to be performed. No permit for construction or certificate of approval or certificate of occupancy shall be issued by a municipality in the County of Orange if there has been an installation, erection, alteration or repair of electrical wiring, apparatus, fixtures, devices, appliances or equipment in violation of the licensing requirements contained herein.

**Section 25. Disposition of Money Received.**

All fees, fines and penalties imposed in accordance with this local law shall be turned over to the Commissioner of Finance by the Board in accordance with Orange County’s financial procedures and such moneys shall be deposited in the General Fund of Orange County.

**Section 26. Construction.**

Nothing in this local law shall operate to restrict the meaning of or diminish or impair any power granted to a local government by the constitution or any other law.

**Section 27. Separability.**

If any part of this local law, or the application thereof to any person or circumstances, shall be judged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the parts of the provision directly involved in the controversy in which such judgment shall have been rendered and affect or impair the validity of the remainder of this local law or the application thereof to other persons or circumstances.

**Section 28. Title.**

This local law may be referred to as the “Orange County Electrical Licensing Law.”

**Section 29. Effective Date.**

This local law shall take effect immediately upon filing in the office of the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.



# REGULATIONS FOR ADJUDICATORY PROCEEDINGS

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### 1. Intent and Purpose.

The Electrical Licensing Board is hereby authorized to use the following rules and regulations governing the conduct of adjudicatory proceedings and appeals relating to compliance with this local law, providing for the qualifications, examination, licensing and regulation of electricians in Orange County New York and the conduct of hearings held thereunder.

These rules and regulations shall apply to all proceedings undertaken by the Board. Persons subject to the requirements of the law shall be entitled to receive an adjudicatory proceeding as to every action or decision as to them taken by the Board, including but not limited to qualifications, examinations, denials, extensions of time, waivers and/or exemptions from the licensing requirements.

### 2. Definitions

(a) "Board" shall mean the Orange County Electrical Licensing board established pursuant to Local Law No. 8 of 2007.

(b) "Hearing Officer" shall mean the presiding officer in adjudicatory hearings or proceedings conducted pursuant to these regulations, which shall be independent of the Board and of the County of Orange, and shall be provided by the County.

### 3. Notice of Hearing or Proceeding (form).

(a) Where the Board elects to go forward with a proceeding to determine compliance with the requirements of this local law, or to take such other action as may be authorized by law, the Board

shall serve a written notice, by certified mail or other appropriate method of service authorized under the Civil Practice Law and Rules, to the parties and their representatives of record at least twenty (20) calendar days prior to the date of any hearing or proceeding under these rules. The Notice of Hearing or Proceeding shall contain the following:

- (i) a statement of the time and place of the hearing or proceedings;
- (ii) a statement of the nature of the hearing or proceeding;
- (iii) a reference to the particular statutes and rules relevant to the hearing or proceeding;
- (iv) a short, plain language statement and violations asserted, if any; and
- (v) a statement of hearing impaired parties and participants concerning the provision of deaf interpretation services without charge.

(b) A copy of these regulations shall accompany each Notice of Hearing or Proceeding which is sent pursuant to these regulations.

(c) The Notice of Hearing or Proceeding shall contain information concerning circumstances under which an adjournment may be granted and the result of failure to appear for a scheduled hearing or proceeding.

(d) The Notice of Hearing or Proceeding shall inform the parties and their representatives of the right of each party to be represented, to testify, to produce witnesses, to prevent documentary evidence, and to examine opposing witnesses and evidence.

#### **4. Time and Place of Hearing or Proceeding.**

(a) The time and place of the hearing or proceeding shall be contained in the Notice of Hearing or Proceeding.

(b) The time and place of the hearing or proceeding shall not be changed unless a party formally requests a change pursuant to the adjournment request procedure contained in Section 8.

(c) The time and place of the hearing or proceeding shall, as far as practicable, take into account the convenience of the parties and the availability of witnesses.

#### **5. Evidence and Proof.**

(a) The formal rules of evidence do not apply to adjudicatory hearings or proceedings conducted pursuant to these rules. However, the rules of privilege recognized by law shall be given

effect. Objections to evidentiary offers may be made and shall be part of the record. Subject to these rules, any party may, for the purpose of expediting the hearing or proceeding and when the interests or the parties will not be substantially prejudiced thereby, submit all or part of the evidence in written form.

(b) The hearing officer may exclude irrelevant or unduly repetitive evidence or cross-examination from any hearing or proceeding.

(c) The burden of proof shall be upon the Board to establish by clear and convincing evidence of the facts and findings which support its requirements under the law.

(d) No decision or determination by the hearing officer or the Board shall be made except on consideration of the record as a whole, or such portions thereof as may be cited by any party to the hearing or proceeding and as supported by and in accordance with substantial evidence.

(e) Each party shall have the right of cross-examination.

(f) Official notice may be taken of all facts of which judicial notice may be taken and of other facts within the specialized knowledge of the Board. When official notice is taken, every party shall be given notice thereof and shall, on timely request, be afforded an opportunity prior to decision to dispute the fact or its materiality.

(g) All findings of fact shall be based exclusively on the evidence in record and on matters officially noticed.

## **6. Representation.**

Any person compelled to appear in person, or who voluntarily appears in any hearing or proceeding conducted according to these rules, shall be accorded the right to be accompanied, represented, and advised by counsel. Nothing herein shall be construed either to grant or to deny to any person who is not a lawyer the right to appear for or represent others in any hearing or proceeding therein.

## **7. Oaths.**

(a) All oaths required by these rules may be taken before any person authorized to administer oaths within the State of New York.

(b) Oaths shall be administered to all witnesses who testify or appear in any hearing or proceeding conducted pursuant to these rules.

## **8. Adjournments.**

(a) Adjournments of any hearing or proceeding conducted pursuant to these rules shall be granted only for good cause.

(b) Written request for adjournment shall be submitted to the hearing officer in the hearing or proceeding for which the adjournment is sought. The request must be accompanied by an affidavit which contains sufficient detail to allow the hearing officer to rule on the request.

## **9. Time Limits.**

(a) Under these rules, adjudicatory proceedings shall be conducted in an expeditious manner with all due regard for the rights of the parties concerned. Every effort should be made by the parties to effectuate a speedy disposition of the case.

(b) Parties to any hearing or proceeding are required to file all papers, statements, proofs, and other evidence with the hearing officer at a time to be designated by the officer. An extension of time for filing those items will be granted by the hearing officer only upon formal request.

## **10. Decision after Hearing or Proceeding.**

(a) All final recommendations of the hearing officer and all decisions and determinations of the Board shall be in writing or stated in the record and shall include findings of fact, conclusions of law, and reasons for the decision or determination and, when appropriate, shall direct that specific action be taken by the parties. The final decisions or determinations of the Board shall be binding upon the Board.

(b) A copy of all final decisions and determinations of the Board and recommendations of the hearing officer shall be made available to the parties to the hearing or proceeding, and shall be delivered or mailed forthwith to each party and to its representative of record.

(c) Except as required for the disposition of ex parte matters authorized by law, members or employees of the Board assigned to make a determination or decision, or to make findings of fact and conclusions of law in any hearing or proceeding, shall not communicate directly or indirectly, in connection with any issue of fact, with any person or party, nor in connection with any issue of law, with any party or its representative, except upon notice and opportunity for all parties to participate. Any member or employee of the Board may communicate with other members or employees and may have the aid and advice of agency staff, other than staff which has been or is engaged in the investigative or prosecuting functions in connection with the case under consideration or a factually related case.

(d) The Board shall maintain the final decision or determination in any hearing or proceeding in a file with an index by name of party and subject matter. The index and the notice of civil assessment, if any, shall not be made available for public inspection and copying except as provided in Section 16 of these rules. Each decision or determination shall be so filed and indexed within sixty (60) days after having been rendered.

## **11. Conduct of Hearings.**

The hearing officer, exercising discretion, may elect to conduct any hearing or proceeding under these rules ex parte after a showing that the party who is the subject of the hearing and its representative of record has been notified by certified mail of the pending hearing or proceeding or otherwise served with notice of the hearing. The party who is the subject of the hearing shall at no time be deprived of the opportunity to appear. However, if a party has been served with two (2) written notices of a hearing and fails to appear after each notice, the hearing officer, upon proof of service, shall have the authority to proceed with the scheduled hearing. Proof of the service shall consist of a signed certified mail receipt or affidavit.

## **12. Hearing Officer.**

All hearings or proceedings under these rules shall be conducted by a hearing officer, retained and provided by the County of Orange, who shall have the power and authority of presiding officers or hearing officers as defined by the State Administrative Procedure Act (SAPA), any other pertinent statute or local law, ordinance, or resolution, and these regulations. The hearing officer shall be an individual who has in no way been involved with the action or proceeding in question.

## **13. Powers and Duties of Hearing Officer.**

A hearing officer is authorized to do the following in any hearing or proceeding to which he or she is assigned:

- (a) administer oaths and affirmations;
- (b) at the request of any party, sign and issue subpoenas in the name of the Board requiring the attendance and giving of testimony by witnesses and the production of books, papers, documents and other evidence. Subpoenas shall be regulated by the Civil Practice Law and Rules. Nothing herein contained shall affect the authority of an attorney for a party to issue subpoenas under the Civil Practice Law and Rules;
- (c) provide for the taking of testimony by deposition;
- (d) regulate the course of the hearings, set the time and place for continued hearings and the time for filing of briefs and other documents;
- (e) direct the parties to appear and confer to consider the simplification or settlement of the issues by consent of the parties; and
- (f) prepare findings of fact and recommendations.

## **14. Fines, Penalties.**

(a) At the close of the hearing or proceeding, the hearing officer shall make findings of fact and a recommendation as to the appropriate penalty or fine to be assessed or any other action to be taken including the suspension or revocation of such person's electrical license. The proposed findings of fact and recommendation shall be transmitted to the Board for approval and

simultaneously mailed or delivered to the parties to the proceeding. The parties shall have an opportunity to respond in writing, in the form of a brief, to the findings of fact and recommendation of the hearing officer, and such written response shall be directed to the Board for its consideration within fifteen (15) days after the service of the hearing officer's findings and recommendations upon the parties. In their brief submitted in response to the findings of fact and recommendation of the hearing officer, the parties may not submit or discuss evidence which is not a part of the official record of the hearing or proceeding. The Board shall act on the findings of fact and recommendation as expeditiously as possible. The Board may affirm or reverse the findings of fact and recommendation of the hearing officer in whole or in part, or it may remand and/or dismiss the proceeding based upon the record produced at the hearing.

(b) The assessment of civil penalties or other penalty under the applicable law and procedures shall not preclude the referral of an appropriate violation to a prosecutor for prosecution of criminal charges.

(c) If the alleged violation has been established, and the Board determines in light of all the circumstances that the violation is not serious enough to warrant assessment of a civil penalty or other penalty, or if the imposition of civil penalties is not otherwise authorized by law, the Board in its discretion may take such other action as appropriate, including but not limited to a written admonition or a referral to a prosecutor for prosecution of criminal charges.

### **15. Records of Hearing or Proceeding.**

(a) The record in hearing or proceeding under these rules shall include:

- (i) all notices, pleadings, motions, and intermediate rulings;
- (ii) evidence presented;
- (iii) a statement of matters officially noticed, except matters so obvious that a statement of them would serve no useful purpose;
- (iv) questions and offers of proof, objections thereto, and rulings thereon;
- (v) proposed findings and exceptions, if any;
- (vi) any findings of fact, conclusions of law, or other recommendations made by the hearing officer; and
- (vii) any decision, determination, opinion, order, or report rendered.

(b) The Board shall make a complete record of all hearings and proceedings conducted before it. For this purpose, unless otherwise required by statute, the Board may use whatever means it deems appropriate, including but not limited to the use of stenographic transcriptions or electronic recording devices. Within a reasonable time after the Board gives notice of its decision, determination, opinion, or order, but before commencement of judicial review, any party to the hearing or proceeding may request the Board to prepare the record of any part thereof, together

with any transcript of the hearing or proceeding or any part thereof. The Board shall then prepare the requested portions of the record and transcript within a reasonable time and furnish a copy to the requesting party at no charge.

### **16. Privacy/Confidentiality.**

(a) Notwithstanding the provisions of Article 6 of Public Officers Law, only the following records of the Board which shall be available for public inspection:

- (i) notice of violation

- (ii) notices of hearing or proceeding;
- (iii) notices of civil/criminal assessment imposed.