

**DEPARTMENT OF ADMINISTRATIVE SERVICES**  
**DIVISION OF PROFESSIONAL REGULATION**  
**1400 Board of Electrical Examiners**  
**Statutory Authority: 24 Delaware Code, Section 1406(b) (24 Del.C. §1406(b))**  
**24 DE Admin. Code 1400**

**FINAL**

**ORDER**

After due notice in the *Register of Regulations* and two Delaware newspapers, a public hearing was held on December 1, 2004 at a scheduled meeting of the Board of Electrical Examiners to receive comments regarding proposed Regulation 17.0. The proposed regulation identifies crimes substantially related to the work of an electrician as mandated by SB 229 enacted by the 142<sup>nd</sup> General Assembly. The proposed regulation was published in the *Register of Regulations*, Vol. 8, Issue 5, November 1, 2004.

**Background**

The felony bar in 24 **Del.C.** §1408(a)(8) is stricken by SB 229. However, conviction of a felony remains as grounds for discipline in §1412(a)(4).

One of the qualifications for licensure in Title 24, Chapter 14 is that the applicant “shall not have a criminal conviction record, nor pending criminal charge relating to an offense, the circumstances of which substantially relate to providing electrical services. Applicants who have criminal convictions records or pending criminal charges shall request appropriate authorities to provide information about the record or charge directly to the Board to make a determination whether the record or charge is substantially relates to providing electrical services.” §1408(a)(9). The Board is charged by SB 229 with “promulgating regulations specifically identifying those crimes which are substantially related to the work of an electrician.” §1406(b)

“Substantially related” means the nature of the criminal conduct, for which the person was convicted, has a direct bearing on the fitness or ability to perform one or more of the duties or responsibilities necessarily related to the work of an electrician. §1402(19).

**Summary of the Evidence and Information Submitted**

No comments were received.

**Findings of Fact with Respect to the Evidence and Information Submitted**

The Board carefully reviewed and considered the crimes presented as a compilation of crimes extracted from the Delaware Code. The overarching concern of the Board was the safety of public since the licensees have access to the homes of consumers, sometimes when the resident is home alone or not at home. The “primary objective of the Board of Electrical Examiners, to which all other objectives and purposes are secondary, is to protect the general public, specifically those persons who are the direct recipients of the services regulated by this chapter, from unsafe practices and from occupational practices which tend to reduce competition or fix the price of services rendered” 24 **Del.C.** §1401. Unrestricted access to a person’s home is a matter of security and involves an element of trust. Board finds crimes of dishonesty and violence are substantially related to the work of an electrician.

**Decision and Effective Date**

The Board hereby adopts the changes to Regulation 17.0 to be effective 10 days following publication of this order in the *Register of Regulations*.

**Text and Citation**

The text of the revised rules remains as published in *Register of Regulations*, Vol. 8, Issue 5, November 1, 2004.

SO ORDERED this 1st day of December, 2004.

**STATE BOARD OF ELECTRICAL EXAMINERS**

Jacob Good, President  
Richard Strouse, Vice President  
Shirley Good, Secretary  
Leroy James  
Donald Collins  
Donald King  
John Gordy  
Steve Dignan  
James Anderson

**1400 Board of Electrical Examiners**

**17.0 Crimes substantially related to work of an electrician.**

17.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or the solicitation to commit any of the following crimes, is deemed to be a crime substantially related to the work of an electrician in the State of Delaware without regard to the place of conviction:

- 17.1.1 Reckless endangering in the first degree. 11 Del.C. §604
- 17.1.2 Assault in the second degree. 11 Del.C. §612
- 17.1.3 Assault in the first degree. 11 Del.C. §613
- 17.1.4 Manslaughter. 11 Del.C. §632
- 17.1.5 Murder by abuse or neglect in the second degree. 11 Del.C. §633
- 17.1.6 Murder by abuse or neglect in the first degree. 11 Del.C. §634
- 17.1.7 Murder in the second degree. 11 Del.C. §635
- 17.1.8 Murder in the first degree. 11 Del.C. §636
- 17.1.9 Unlawful sexual contact in the second degree. 11 Del.C. §768
- 17.1.10 Unlawful sexual contact in the first degree. 11 Del.C. §769
- 17.1.11 Rape in the fourth degree. 11 Del.C. §770
- 17.1.12 Rape in the third degree. 11 Del.C. §771
- 17.1.13 Rape in the second degree. 11 Del.C. §772
- 17.1.14 Rape in the first degree. 11 Del.C. §773
- 17.1.15 Sexual extortion. 11 Del.C. §776
- 17.1.16 Continuous sexual abuse of a child. 11 Del.C. §778
- 17.1.17 Dangerous crimes against a child. 11 Del.C. §779
- 17.1.18 Kidnapping in the second degree. 11 Del.C. §783
- 17.1.19 Kidnapping in the first degree. 11 Del.C. §783A
- 17.1.20 Arson in the second degree. 11 Del.C. §802
- 17.1.21 Arson in the first degree. 11 Del.C. §803
- 17.1.22 Criminal mischief. 11 Del.C. §811
- 17.1.23 Burglary in the third degree. 11 Del.C. §824
- 17.1.24 Burglary in the second degree. 11 Del.C. §825
- 17.1.25 Burglary in the first degree. 11 Del.C. §826
- 17.1.26 Robbery in the second degree. 11 Del.C. §831
- 17.1.27 Robbery in the first degree. 11 Del.C. §832
- 17.1.28 Theft of services. 11 Del.C. §845
- 17.1.29 Extortion. 11 Del.C. §846
- 17.1.30 Identity theft. 11 Del.C. §854
- 17.1.31 Forgery. 11 Del.C. §861
- 17.1.32 Unlawful use of credit card. 11 Del.C. §903
- 17.1.33 Criminal impersonation of a police officer. 11 Del.C. §907B
- 17.1.34 Insurance fraud. 11 Del.C. §913
- 17.1.34 Home improvement fraud. 11 Del.C. §916

- 17.1.36 New home construction fraud. 11 Del.C. §917
- 17.1.37 Dealing in children. 11 Del.C. §1100
- 17.1.38 Sexual exploitation of a child. 11 Del.C. §1108
- 17.1.39 Unlawful dealing in child pornography. 11 Del.C. §1109
- 17.1.40 Sexual solicitation of a child.11 Del.C. §1112A
- 17.1.41 Perjury in the second degree. 11 Del.C. §1222
- 17.1.42 Perjury in the first degree. 11 Del.C. §1223
- 17.1.43 Aggravated harassment. 11 Del.C. §1312
- 17.1.44 Adulteration. 11 Del.C. §1339
- 17.1.45 Possession of a firearm during a felony. 11 Del.C. §1447
- 17.1.46 Theft of a firearm.11 Del.C. §1451
- 17.1.47 Organized crime and racketeering. 11 Del.C. §1503
- 17.1.48 Breaking and entering, etc. to place or remove equipment 11 Del.C. §2410

17.2 Crimes substantially related to the work of an electrician shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

**8 DE Reg. 998 (01/01/05)**

**\*Please Note: As the rest of the sections were not amended, they are not being published. A complete set of the rules and regulations for the Board of Electrical Examiners is available at: <http://www.state.de.us/research/AdminCode/title24/1400 Board of Electrical Examiners.shtml>**