

NORTH DAKOTA STATE ELECTRICAL BOARD MINUTES

Wednesday, January 22, 2014

The North Dakota State Electrical Board meeting was called to order at 8:30 a.m. by President Earl Scherer at the office of the North Dakota State Electrical Board, 1929 N. Washington Street, Suite A-1, Bismarck, N.D. Members present: Rodney Mayer and Ben Koppelman. Absent were Karen Karls and Kyle Miller. Also present: James Schmidt, Executive Director; and Ashley Windhorst, Administrative Assistant. Other attendees: Art Andrews.

President Scherer asked for further Agenda items to appear at this meeting. Mr. Schmidt informed the Board he was contacted by the Forest River Colony wanting to get individuals licensed as electricians.

President Scherer asked for any comments on the Consent Agenda items. Mr. Schmidt commented there's a comparison budget sheet attached. Motioned by Ben Koppelman and seconded by Earl Scherer to approve the Consent Agenda items. Motion carried.

Mr. Schmidt reviewed the request for a rate increase from Smith Bakke Porsborg. Board discussed about how much is spent annually on legal fees. It was motioned by Rodney Mayer and seconded by Ben Koppelman to increase the rates as requested, which will be re-evaluated again in 2016. Motion carried.

Mr. Schmidt informed the Board that City of Minot hired a new inspector, Tom Crawford. There is also a 17-years-of-service celebration for Ross Rubbelke on Thursday, January 23rd in Minot.

At 8:45 a.m., Lyle Wergeland, Director of Inspections, entered the meeting.

The Board had a conference call with District 1 Inspector, Josh Wilson. Mr. Wilson is interested in starting an LLC business as a home inspector. Board discussed this opportunity with Mr. Wilson, and it was made clear by Mr. Wilson that being a home inspector would not impact his current position with NDSEB in any way by either working overtime or needing him to work weekends if needed. Mr. Wilson also intends to become licensed and insured with some type of errors and omissions insurance. The Board also will need to review with their legal counsel.

It was noted that Giovanni (John) Guigli did not appear for his 9:00 a.m. request to address the Board.

At 9:15 a.m., the Board recessed for a break.

At 9:25 a.m., the Board reconvened.

Mr. Schmidt gave Education Committee updates. Education criteria were requested from committee members and that data is being compiled for review. The Board discussed Jon Maristuen and wants him to remain on the committee as a volunteer.

Mr. Schmidt gave an update on the office space remodel project. Demo has started next door; however, they are waiting on permits from the City of Bismarck before they can continue with their remodel. The additional square footage and the terms of the revised office space lease agreement

have to be negotiated with Goldmark before it can be signed. Motioned by Rodney Mayer and seconded by Ben Koppelman to have Mr. Schmidt search for an alternate office location for the Board if an agreement cannot be resolved by February 15, 2014. Motion carried.

Mr. Schmidt gave an update on the search for a replacement Reporting System. Three companies have been reviewed; however, we only have a price quote from two of the three. The timeframe quoted for install is two-three months.

Lyle Wergeland handed out district reports. Discussion took place regarding district changes, new inspectors, and how new inspectors are doing overall.

At 9:45 a.m., Scott Porsborg, Special Assistant Attorney General, entered the meeting.

Mr. Schmidt gave an update on the City of Williston hiring an inspector. Discussion took place. The City of Williston needs to schedule a time for its designated employee(s) to come to the NDSEB office for Reporting System training. Mr. Schmidt informed the City of Williston the new inspector would also need to be present at the NDSEB Inspector meetings.

Mr. Schmidt presented a news article for informational purposes showing how the Attorney General's Consumer Protection section investigates contractor issues and publishes them.

Mr. Schmidt and Mr. Porsborg gave an update on the Terry Packer and Allen Jenkins' situation. Both were served and neither responded so both licenses have been revoked. Cougar Electric is owned by Triple B Construction. Owner, Richard Sargent, has contracted with two electrical contractors to evaluate and make the corrections on the outstanding projects. The Board directed Lyle Wergeland to notify Triple B Construction that they must reduce the list of jobs needing corrections by 50 percent by the next scheduled Board meeting. The Board will review at its next meeting.

At 10:15 a.m., Niles Feininger, Jason Klein, and Don Offerdahl entered the meeting.

Jason Klein and Niles Feininger appeared regarding Mr. Klein's Application for an Electrician's (Journeyman) License, which the Board denied at the November 16, 2011 meeting. Mr. Klein presented his criminal record (felony charges) to the Board. Motioned by Ben Koppelman and seconded by Rodney Mayer to enter Executive Session. Motion carried.

At 10:35 a.m., Niles Feininger, Jason Klein, and Don Offerdahl left the meeting.

At 10:36 a.m., the Board entered Executive Session. Motioned by Ben Koppelman and seconded by Rodney Mayer to end Executive Session. Motion carried.

At 10:43 a.m., Niles Feininger, Jason Klein, and Don Offerdahl re-entered the meeting.

Motioned by Ben Koppelman and seconded by Earl Scherer to allow Mr. Klein to take the Journeyman exam with the condition that if his probation is violated he needs to reappear before the Board for possible action against his license. Motion carried.

At 11:00 a.m., Niles Feininger and Jason Klein left the meeting.

Mr. Schmidt presented an Order to Board President Earl Scherer to sign stating reasons and calling for the revocation of Alex Martushev North Dakota Electrical Master License M 2602 pursuant to N.D.C.C. 43-09-15.

Mr. Schmidt gave an update to the Board on Steven Witt. A letter was received from Mr. Witt's attorney stating the e-Certificates were issued without Mr. Witt's knowledge. Discussion took place and the Board directed Mr. Schmidt to invite Steven Witt and J Hill Electric to appear before the Board at the next meeting.

At 11:15 a.m., the Board recessed for a break.

At 11:25 a.m., the Board reconvened.

The Board reviewed the (Adopt, Amend or Repeal) Administrative Rules. Motioned by Ben Koppelman and seconded by Earl Scherer to reject #11 – 24-02-01-19(2)/24-02-01-19(5): Increase requirement where the cost of the repair work or additional installation exceeds \$300.00 to \$750.00. Motion carried.

Discussion took place on adoption dates of National Electrical Code vs. North Dakota Laws, Rules & Wiring Standards.

Lyle Wergeland explained the meaning of proposal #7 – 24-02-01-07(6): Revises language concerning 15 and 20 amp 125 volt receptacles to be current on national electrical codes.

Lyle Wergeland explained proposal #8 – 24-02-01-09(1): Added exception to rule in relation to NEC 240.24(A). Currently state code doesn't allow you to mount meter services lower than two feet outdoors. Don Offerdahl added the NEC doesn't list how low it can be except in 550 when it talks about mobile home disconnects. It was discussed that it would become a safety issue if the disconnect would be higher than the allowed 6 feet 7 inches.

Discussion took place on proposal #9 – 24-02-01-12: Added "or listed devices," to include two-part modular homes. Lyle Wergeland explained you see the snap together devices in modular homes; and a lot of modular homes are built out of state and come with quick connects. Currently code requires all splices to be in a box. If #9 was approved, it would allow splices to be anywhere. Board reviewed and discussed page 139 in the NEC Analysis of Changes book.

Discussion took place on proposal #15 – 24-02-01-19(14): Clarifies procedures for property owners doing their own electrical work.

Motioned by Ben Koppelman and seconded by Earl Scherer to accept the following proposed amendments.

- #2 – 24-01-01-01(5): Eliminates the NDSEB District Map, which will be available on an updated basis at www.ndseb.com.
- #3 – 24-02-01-02(1)(b)(1): Corrects a typographical error from the 2011 code and replaces "wiring" with "repairing".
- #4 – 24-02-01-02(1)(d): Clarifies NDSEB procedures for submitting an Application for Electrician's License.
- #6 – 24-02-01-03(6): Last Paragraph: Redefines language to coordinate to the codes and standards of the state building code concerning metal raceways and fire barriers.

- #7 -24-02-01-07(6): Revised language concerning 15 and 20 amp 125 volt receptacles to be current on national electrical codes.
- #8 – 24-02-01-09(1): Added exception to rule in relation to NEC 240.24(A).
- #10 – 24-02-01-19: Renumbers paragraphs.
- #12 – 24-02-01-19(2)(a)(c)(d): Redefines language to conform to paper and electronic wiring certificates.
- #13 – 24-02-01-19(2) – Last Paragraph: Increase job cost to \$20,000 for wiring certificates to be submitted within one year.
- #14 – 24-02-01-19(4): Eliminates this section as it is redundant in 24-02-01-19(2)(a).
- #15 – 24-02-01-19(14): Clarifies procedures for property owners doing their own electrical work.

Motion carried.

Discussion continued on proposal #9 – 24-02-01-12: Added “or listed devices,” to include two-part modular homes. Motioned by Rodney Mayer and seconded by Ben Koppelman to reject this proposal. Motion carried.

Discussion further took place on proposal #5 – 24-02-01-03(6): Adds “or metal cable (MC) rated for the environment” in order to be uniform with national electrical codes. Ben Koppelman expressed concern of accepting this change and then an implementation date, which would it be bid date or certificate date. Don Offerdahl explained that prior procedure at NDSEB has been to go by the goldenrod date to determine which code the contractor should abide by when completing that project. Discussion continued on what code is used on projects. Motioned by Ben Koppelman and seconded by Rodney Mayer to accept this proposal. Motion carried.

Motioned by Ben Koppelman and seconded by Rodney Mayer to make it Board policy that the code used on a project is to be based on start-up copy of original permit. Motion carried.

Discussion took place on proposal #1 – Entire 24-02: Adopts the NFPA 70 2014 edition National Electrical Code and NFPA 101 2012 edition Life Safety Code. Ben Koppelman talked about NEMA & NFPA being present at the last meeting and stated he’s still skeptical about some of the changes. Mr. Koppelman would like to hold off on accepting #1 until all Board members are present to comment. Motioned by Ben Koppelman to table #1 to next meeting until all members are present and so that Attorney Porsborg can look into a legal matter he had questions about. Motion failed due to the lack of a second. Discussion continued on Mr. Koppelman’s concerns with accepting #1. Mr. Koppelman asked Attorney Porsborg to discuss what the procedures are for changing areas of the code at a later date. President Scherer asked Don Offerdahl to explain how code panels make decisions for new codes. Mr. Offerdahl explained code panels use facts and evidence to make decisions. The GFCI addition actually came from GE due to electrical shock which can happen from the age of a machine. Discussion continued until Special Assistant Porsborg informed Mr. Offerdahl he was out of order.

At 1:31 p.m., Rod Mayer requested the Board take a short recess.

It was noted that James Barbee did not appear for his 1:00 p.m. request to address the Board.

At 1:50 p.m., the Board reconvened.

Motioned by Ben Koppelman and seconded by Rodney Mayer to table proposal #1 until the next regular Board meeting and to send the other reviewed proposals onward. Further discussion took place. Mr. Schmidt suggested holding a special meeting within approximately two weeks if Attorney Porsborg could get the questions answered on administrative rule procedures that Mr. Koppelman had. This would eliminate proposal #1 being submitted by itself after waiting two months for the next regular board meeting, so all the proposals would be submitted together. Ben Koppelman mentioned again he would like #1 to be tabled until the entire Board is present to vote. Motion failed.

Motion by Ben Koppelman and second by Rod Mayer to table proposal #1 until a special meeting can be scheduled and at that point all the proposals could be sent on together. Motion carried.

Mr. Schmidt discussed the phone conversation he had with Solomon Maendel from the Forest River Colony of Fordville, North Dakota. The colonies would like their individual members with electrical experience to be allowed to be licensed as electricians and offered to the Board a tour of their three locations in North Dakota. Board decided to invite the Forest River Colony to appear at the next regular Board meeting.

At 2:10 p.m., Don Offerdahl left the meeting.

The next regular Board meeting will be March 12, 2014, at 8:30 a.m. with the location to be determined.

There being no further business, it was motioned by Ben Koppelman and seconded by Rodney Mayer to adjourn the meeting. The meeting was adjourned at 2:11 p.m.

Date

Date

Earl Scherer, PRESIDENT

Karen Karls, SECRETARY