

NORTH DAKOTA STATE ELECTRICAL BOARD MINUTES

Wednesday, November 17, 2021

The North Dakota State Electrical Board meeting was called to order at 8:30 a.m. by President Rodney Mayer at the Courtyard by Marriot Hotel, 3319 N. 14th St., Bismarck, North Dakota. Members Present: Rodney Mayer, Paul Durbin, and Christina Roemmich. Members absent: Tom Paulson and Mark Christopher. Also Present: James Schmidt, Executive Director; Scott Porsborg, Special Assistant Attorney General; Austin Lafferty, Special Assistant Attorney General; Curt Kasper, NECA; Adam Kidwell, JATC; Clay Nagel.

President Mayer asked for further agenda items to appear at the meeting. Mr. Schmidt added Employee Manual, Special Session, ND Homebuilders, Diploma, and Minot Inspectors; and President Mayer added NDSEB Costs incurred by private sector; and Federal Payroll Reports.

A motion was made by Christina Roemmich, and seconded by Paul Durbin, to approve the consent agenda as read. The motion carried.

Mr. Schmidt discussed the Professional Licensing Board Seminar, telling the Board that both Board Member Paul Durbin and staff member Paula Glass attended. Mr. Durbin Spoke as to his experience at the Seminar.

The 2022 calendar was discussed. A motion was made by Paul Durbin, and seconded by Christina Roemmich, to approve the calendar. The motion carried.

At 8:36 a.m. Randy Bartsch, IBEW entered the meeting

Mr. Schmidt informed the Board that 3 applicants had applied for the upcoming open inspector position. Mr. Schmidt raised the possibility of hiring two inspectors due to the amount of work in Cass County, and other potential retirements coming in 2022. The Board authorized Mr. Schmidt, as Executive Director to interview and hire candidates.

Mr. Schmidt informed the Board that exemptions TIA 1593 made to “NEC 201.8(F)” are being shared to electricians via the NDSEB website and our newsletter plus the inspectors are all aware.

Mr. Schmidt discussed the water damage that had occurred in the Executive Offices during a recent storm. An update on damage and repairs was given, as well as Mr. Schmidt’s conversations with Goldmark.

Mr. Schmidt discussed the MHA Tribe agenda item. He is in possession of the proposed agreement between the Board and the MHA Nation, but is holding at the moment due to other circumstances. The matter was tabled until January.

The Board discussed Covid Protocols within the office. Mr. Schmidt explained that currently the Office has a “stand up, mask up” policy. After discussion, the Office will maintain the “stand up, mask up policy,” and will not implement any other covid-related protocols. Attorney Porsborg was

asked if the Board fell under the OSHA rule, and he informed the Board that to his knowledge it would not. It was decided Mr. Schmidt would revisit protocols periodically, as needed.

Mr. Schmidt informed the board that four staff members had attended the Western Section: Doug, Zach, Justin and Josh D. They will be asked to give a summary of their experience at the next inspectors meeting in December.

Mr. Schmidt requested clarity from the board regarding wages, and the raise process. Various methods were discussed, and the Board requested Mr. Schmidt prepare and present a “maximum” percentage amount for a wage increase budget item for the January meeting. Further discussion was tabled until the January 2022 meeting.

At 9:37 a.m. Kelly Johnston and Karen Johnston entered the meeting.

Mr. Schmidt explained the charges and concerns with Mr. Johnston. He had been found to be wiring in two locations with an expired ND journeyman’s license. Two cease and desist letters were issued. Both Kelly and Karen Johnston were given an opportunity to speak on the issue, and Board members were given the opportunity to ask questions.

At 9:59 a.m. the Board recessed for a short break.

At 10:16 a.m. the Board reconvened. Doug Grinde, Scott Halle and Jon Sayler joined the meeting.

The Board continued to discussed its concerns with Mr. Johnston, and discussed terms for an informal disposition. After discussions, Attorney Porsborg informed Mr. Johnston of the terms of the informal disposition: (1) Mr. Johnston’s Journeyman’s License would be renewed upon compliance with Continuing Education Requirements; (2) Mr. Johnston’s license would be in probationary status until March 31, 2023; (3) Mr. Johnston would be required to come before the Board, and request approval to test for a Master Electrician’s License, this term would not expire in 2023, and extend indefinitely; (4) Mr. Johnston would be required to respond promptly to all Board communications; (5) Mr. Johnston would comply with all laws and rules during the probationary period, and if he failed to do so, his license would be revoked.

A motion was made by Christina Roemmich, and seconded by Paul Durbin, to place Mr. Johnston on probation with an informal disposition, as described by Counsel. The motion carried.

At 11:00 a.m. Kelly Johnston and Karen Johnston exited the meeting.

Mr. Halle presented on Continuing Education within the State. He spoke on attendance at CEU course, as well as participation at various educational events, including career fairs and Marketplace for Kids. Mr. Schmidt commented as classes fill up additional classes may be added.

Mr. Schmidt noted that the Board had made a donation to Marketplace for Kids in the amount of \$2,500.

Mr. Schmidt and Mr. Halle will attend the ND Homebuilders meeting, for a Q&A with the Homebuilders in December.

At 11:15 a.m. Randy Bartsch exited the meeting.

Mr. Sayler presented on the actions taken as information and inspection compliance administrator. He also spoke regarding the career fairs and Marketplace for Kids. He has completed his ride alongs, and is exploring potential redistricting options. He has started the audit process. 51 audits have been completed, in Districts 2, 8, 6, 9, 12, 13, and 14. 16 audits showing falsifications (where contractors claimed correcting violations but actually had not) for a 31.37% finding of falsifications.

Mr. Grinde presented on the status of inspections within the State. Currently the board has approximately 8,345 active certifications.

At 11:37 a.m. Doug Grinde, Jon Sayler, and Scott Halle exited the meeting.

Mr. Schmidt updated the Board on the status of the office remodel. It is currently on track. The Board has renegotiated its rent, and the new rate is \$14.23 per square foot, and at the end of the Board's 15-year lease, it will be \$16.64 per square foot.

At 11:50 a.m. the Board recessed for a short break.

At 12:16 p.m. the Board reconvened.

Mr. Schmidt brought up bond requirement for contractors and asked if the Board would like to keep it as an agenda item. It was discussed, with comment from Mr. Kasper in the audience, and it was ultimately decided the Board would maintain the agenda item. Mr. Schmidt asked Attorney Porsborg if the Board could provide Bonds. Attorney Porsborg stated that would require legislation, as it would otherwise violate the gifting clause.

The Board discussed the costs incurred by private citizens for the repairs left by Contractors who did not finish their work. This is not currently tracked, and would require reaching out to those consumers abandoned by rogue contractors. Mr. Schmidt will investigate whether this is trackable.

Mr. Schmidt has updated the employee manual for consistency, and requested board approval of the changes. A motion was made by Paul Durbin and seconded by Christina Roemmich, to approve the amendments and changes to the NDSEB handbook. Mr. Schmidt asked Attorney Porsborg if the changes passed legal inspection, and Attorney Porsborg recommended a minor change. Paul Durbin moved to amend his previous motion to remove the strike on "or any other family member" on page 19 of the employee manual. Christina Roemmich seconded this motion. The motion passed with unanimous support.

Attorney Porsborg presented on the special session, and the bills that could impact the board. The conversation focused on the new law regarding covid vaccination mandates.

Mr. Schmidt informed the Board that employee Ashley Windhorst had received her Bachelor of Science in Business management on September 9, 2021.

MR. Schmidt informed the Board that a new inspector had been hired by the City of Minot, approximately six weeks ago. Mr. Schmidt contacted the City, reminding the city the new inspector needs to be registered with the NDSEB Office.

The Federal Payroll Report Audit was discussed. It was Brought to Mr. Schmidt's attention that the payroll reports of a contractor, Denny's Electric showed that apprentices were working alone some days on a Wastewater Treatment Plant project in Bismarck. Mr. Schmidt contacted Denny's Electric and they provided a response, explaining the situation. No other action will be taken on this matter.

A motion was made by Christian Roemmich and seconded by Paul Durbin to adjourn.

The meeting was adjourned at 1:06 p.m.