

NORTH DAKOTA STATE ELECTRICAL BOARD MINUTES

Wednesday, November 19, 2014

The North Dakota State Electrical Board meeting was called to order at 8:35 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, Ben Koppelman, Karen Karls and Kyle Miller. Also present: James Schmidt, Executive Director; and Paula Glass, Office Manager.

President Scherer asked for further Agenda items to appear at this meeting. Paula Glass added concerns about having a quorum for early next year's Board meetings. There being no further Agenda items, it was motioned by Ben Koppelman and seconded by Kyle Miller that the Agenda, as amended, be approved. Motion carried.

President Scherer asked for any comments on the Consent Agenda items. Motioned by Ben Koppelman and seconded by Kyle Miller to approve the Consent Agenda items. Motion carried.

A list of reciprocal licensing states that we currently have an agreement with was displayed, and inquired by Mr. Schmidt if the Board wants to pursue any other states at this time. Discussion took place about the annual NERA meeting. No action was taken.

Mr. Schmidt presented the Board with a list of candidates for the electrical inspector position(s) and indicated is now in the position to schedule and conduct interviews on December 15 and 16, 2014.

At 9:00 a.m., Lyle Wergeland, Director of Inspections, entered the meeting.

Lyle Wergeland reviewed the district reports. Mr. Wergeland indicated that District 9 is increasing in job numbers and could use a roaming inspector to help. Mr. Schmidt provided an accounting analysis of inspections being performed.

Mr. Wergeland provided a summary of the Western Section IAEI meeting in Cleveland, Ohio in September, 2014. Rotating of inspectors will continue in order to give everyone an opportunity to attend these yearly meetings. Next year's meeting will be in Jackson Hole, Wyoming.

At 9:20 a.m., Than Soulinthong entered the meeting.

Mr. Soulinthong explained that he had applied for a Journeyman license, but was denied due to most of his work experience being in states that do not regulate similar rules as North Dakota. He presented the Board with additional work experience totaling 5,900 hours. He also indicated that he has more coming. Mr. Schmidt directed Mr. Soulinthong to gather all of his documentation and resubmit with an Application in order for us to review it again.

At 9:48 a.m., Than Soulinthong left the meeting.

At 9:50 a.m., the Board recessed for a short break.

At 10:00 a.m., the Board reconvened, and Scott Porsborg, Special Assistant Attorney General, entered the meeting.

Attorney Porsborg presented the Board with two legislative bill draft options concerning the Undertaking Fund. He provided a history of the Undertaking Fund including any previous bond requirements. Discussion took place in detail concerning the issue of either raising the limits of the Undertaking Fund allowance per contractor or replacing it with a sum-certain bond requirement. This matter was tabled for further discussion.

At 10:20 a.m., Earl Merritt entered the meeting.

Mr. Schmidt provided the Board a short summary of the matter involving David Phillips, including the threat of discrimination unless the Board would grant him a North Dakota Journeyman reciprocal license from Montana within 45 days.

At 10:30 a.m., David Phillips entered the meeting telephonically.

Mr. Phillips is appealing the denial of his Application for Electrician's (Journeyman) License. Mr. Phillips informed the Board that he had applied for a Journeyman license through reciprocity from Montana, however, it was denied because the majority of his experience was in states that do not regulate similar rules as North Dakota. Ms. Glass informed the Board that Montana allowed him to examine based on his apprenticeship training from Ohio, and no work verifications. Mr. Koppelman explained to Mr. Phillips that although we reciprocate with Montana, the Board has the option to still determine if qualifications are met according to North Dakota laws and rules. The previous alternative provided to Mr. Phillips was to take our exam. He indicated that he doesn't have the ability to come to North Dakota to take the exam, and that the only reason he applied to Montana was because he could take the Montana exam at a testing facility closer to home, and then be allowed to reciprocate to other states, although he has never worked in Montana. At this time, it is not his intention to work in North Dakota, but would like to obtain the license, if needed. As indicated in previous conversations between Mr. Schmidt and Mr. Phillips, President Scherer inferred to Mr. Phillips that the Board will approve him to take the Journeyman exam, and he will be provided with six (6) exam dates to choose from, which is given to any individual approved for an exam. If he doesn't examine within those six (6) months, he will be required to reapply.

At 11:00 a.m., David Phillips left the meeting.

Mr. Schmidt and Ms. Glass apprised the Board of events surrounding Earl Merritt, which included finding unsupervised apprentices on several jobs and past due correction reports. Mr. Merritt indicated that it is hard to find licensed electricians, but has now made the correction to comply with ratios. Mr. Wergeland questioned Mr. Merritt on the certification of 24 corrections in one day. Mr. Merritt indicated that those corrections are not completed, but will be done shortly. It was reiterated to Mr. Merritt that the Board has the right to deny, suspend or revoke a license for certifying corrections that are not complete. Ms. Glass also questioned Mr. Merritt on the status of the past due corrections being completed.

At 11:15 a.m., Brad Urbanski entered the meeting.

After further discussion and acceptance by Earl Merritt, it was motioned by Ben Koppelman and seconded by Kyle Miller that in lieu of formal action, that Earl Merritt will voluntary agree to be on probation for one year; attend a contractor orientation session at the NDSEB office; complete any outstanding past due corrections within seven (7) days; and pay administrative fees totaling \$422.40 within ten (10) days. Motion carried. Attorney Porsborg will draft the Probation

Agreement. Mr. Mayer and Mr. Wergeland cautioned Mr. Merritt to respect Board staff and inspectors on communication.

At 11:30 a.m., Earl Merritt left the meeting.

Brad Urbanski is appealing the denial and return of his Application for Electrician's (Journeyman) License. Mr. Urbanski apologized to the Board for perjuring himself on the information contained in his Application. The majority of Mr. Urbanski's experience was in the State of Arizona, which does not regulate similar licensing and inspection rules as the State of North Dakota. Mr. Urbanski described to the Board his experience and education history, which may include some recognizable states. Mr. Urbanski questioned whether we would accept his schooling for work experience credit, however, he did not graduate. Mr. Schmidt suggested that he obtain a transcript and syllabus and we would review it. Mr. Urbanski may resubmit his Application upon acquiring the work experience verifications and, if applicable, the school transcript.

At 11:55 a.m., Brad Urbanski left the meeting, and the Board recessed for a short break.

At 12:05 p.m., the Board reconvened.

Mr. Wergeland and Ms. Glass provided the Board with an update on the Allen Jenkins (Cougar Electric) situation. Letters have been sent to property owners to hire a North Dakota electrical contractor to fix the code violations, and that about one-third of the letters sent responded to date. Follow-ups with the property owners that didn't respond will commence next. Ms. Glass informed the Board that most of the active certificates just need inspection fees paid, which total approximately \$2,900.00. No further action was taken at this time, including withdrawal from the Undertaking Fund. This matter will be reviewed again at the January, 2015 meeting.

Discussion took place concerning City of Fargo. Ben Koppelman provided input on a City of Fargo meeting he attended, particularly as it pertains to Article 24-02-01-07(8) - branch circuits and feeders. Under N.D.C.C. 43-09-21 and 43-09-22, the Board has jurisdiction and authority over all electrical installations, and if a city jurisdiction or municipality wants to interpret something different, its requirements either need to be consistent or may be more stringent. Mr. Wergeland was directed to contact Chad Lemar, City of Fargo's Electrical Inspector, and Mr. Schmidt was directed to personally visit with Ron Strand, City of Fargo's Inspections Administrator.

Discussions continued concerning the Undertaking Fund and proposed legislative bill drafts. Based on research and further discussion, it was motioned by Karen Karls and seconded by Kyle Miller to require a bond, with the amount to be at least \$25,000, in lieu of the present Undertaking Fund concept, and allow a bill to be introduced by Ben Koppelman, a legislator. Motion carried.

Attorney Porsborg informed the Board that Steven Witt (Master for J Hill Electric) has recently passed away, which leaves the Board with the only option at this time to send a letter to property owners, similar to the Allen Jenkins' matter, for them to hire a North Dakota electrical contractor to fix the code violations. Withdrawing from the Undertaking Fund for inspection fees at this time will be tabled. Motioned by Ben Koppelman and seconded by Rodney Mayer to send letters to property owners to hire a North Dakota electrical contractor to fix the code violations left by Steven Witt. Motion carried.

The Board has received an Application for Electrician's (Master) License from Joe Blurton. Previous Board Minutes reveal that any further licensing applications received from Mr. Blurton need to be

presented to the Board as a result of a felony conviction. It was motioned by Ben Koppelman and seconded by Rodney Mayer to request Joe Blurton to appear at the January, 2015 Board Meeting and present additional information and/or references concerning his conviction. Motion carried.

Due to Board members having scheduling conflicts with the January and March, 2015 Board meetings, it was motioned by Ben Koppelman and seconded by Kyle Miller to reschedule the January, 2015 Board meeting from January 14, 2015 to January 5, 2015. Motion carried.

At 2:30 p.m., Ben Koppelman left the meeting.

Ms. Glass informed the Board that the staff wants to change procedures on how contracting Master and Class B electricians verify employees and/or individuals working under their supervision in North Dakota. Currently, they have to verify all individuals working under their supervision during the license renewal period. For various reasons and in trying to streamline the process, the verification system will change to a sworn statement verification system, and the staff will conduct random audits throughout the year under the authority of N.D. Laws, Rules & Wiring Standards 24-02-01-02(2). It was motioned by Kyle Miller and seconded by Karen Karls to authorize the verification change of employees and/or individuals working under a contracting Master or Class B's supervision. Motion carried.

Possible non-code classes were presented by Mr. Schmidt. This matter was tabled until the January, 2015 meeting.

At 3:00 p.m., Scott Halle, Training and Compliance Administrator, entered the meeting.

Mr. Halle provided an update on the Board CEU classes and the good/positive responses we are receiving on comment cards. Mr. Halle also provided the Board with a synopsis of his current duties in the new position as Training and Compliance Administrator.

There being no further business, it was motioned by Karen Karls and seconded by Kyle Miller to adjourn the meeting. The meeting was adjourned at 3:15 p.m.

Date

Date

Earl Scherer, PRESIDENT

Karen Karls, SECRETARY