

**North Dakota State Electrical Board Minutes**  
November 16, 2022 Meeting

The North Dakota State Electrical Board meeting was called to order at 8:31 a.m. by President Rodney Mayer at the Electrical Board Offices at 1929 N. Washington St., Ste A-1, Bismarck, North Dakota. Members Present: Rodney Mayer, Paul Durbin, Christina, Roemmich, Tom Paulson, and James (Jim) Brandenburg. Also Present: James Schmidt, Executive Director; Scott Porsborg, Special Assistant Attorney General; Austin Lafferty, Special Assistant Attorney General; Curt Casper, NECA; Clay Nagle, IBEW; Bob Wolf, IBEW; Adam Kidwell, JATC; Mike Walen; Ben Whaley; Paul McCarthy.

Mr. Schmidt added two additional agenda items: license reinstatement and employee manual. Motion by Ms. Roemmich second by Tom Paulson to approve the agenda, motion passed.

Ms. Roemmich moved to approve the consent agenda, Mr. Durbin seconded. No discussion was held, the motion was approved unanimously.

Mr. Schmidt presented the Board with the 2023 meeting calendar. Ms. Roemmich brought up a conflict with the July meeting date, and the scheduled meeting was moved to July 12, 2023. Ms. Roemmich moved to approve the Calendar for 2023 as presented, with the July change. Mr. Brandenburg seconded the motion. The motion was approved unanimously.

Mr. Schmidt informed the Board he attended the NERA meeting in Texas. The organization has created a brochure to try and persuade other states to join the group at its current licensing standards. Mr. Schmidt also explained the purpose of NERA and benefits of being a member of the organization.

Mr. Schmidt presented the Board with the zeroed-out invoice from Midco, which shows the amount the Board would have paid for the ad running on Midco if the ad time had not been donated.

Mr. Schmidt is going to work with Pam Sharp again this year to work as a legislative consultant. Ms. Sharp is going to serve as eyes and ears at the Capitol to ensure Board staff does not miss any bills that may impact the Board. The cost is approx. \$8,000.00.

Mr. Schmidt presented on the over one year old wiring certificate audit - The board audits and notes certs that are over a year old and under a specific amount. This is to help remind contractors to close certs. There were letters detailing 802 certs sent to 243 contractors.

Mr. Schmidt informed the Board that Kendrick Kjorsvik applied to serve on several code panels. Mr. Schmidt sought guidance on if the Board wanted to support inspectors who are selected to serve. Mr. Kidwell spoke and provided more information as to his understanding of sponsorship of panel members. The Board discussed paying Kjorsvik's wages while he served on the panel. The Board discussed what to do if IAEL does not cover Mr. Kjorsvik's flight or hotel, and decided to wait for more information before making further decisions.

Mr. Schmidt contacted the MHA Nation on Monday (Nov. 14) asking for their opinion on the proposed agreement between the MHA Nation and NDSEB. He has not heard back from the MHA Nation.

Mr. Schmidt discussed the City of Minot - the Board has hired an inspector (Kevin Huber) for Ward County, District 8, including the City of Minot following the Board's decision at the previous meeting.

Additional individuals entered the meeting: Seth Thompson, Chuck Roachell, and Abe Armer with C2C, and NDSEB staff members Paula Glass (Office Manager), Zach Paetz (District 11 Inspector), Doug Grinde (Director of Inspections), Jon Saylor (Compliance Administrator).

## **C2C**

Mr. Thompson, Mr. Roachell and Mr. Armer appeared before the Board to discuss issues with C2C Technical Services. Mr. Schmidt informed the Board as to the issues and his communications with C2C: Inspector Paetz was at the Marathon site and noted C2C was performing work without a cert, and had 13 individual workers - 11 unregistered apprentices and 2 licensed individuals (journeyman electricians). Mr. Schmidt contacted Mr. Armer asking for an employee roster. The names on the roster did not match the names provided to Inspector Paetz. Mr. Schmidt also questioned Mr. Armer on C2C's status on various projects and Mr. Armer's responses did not appear above-board. Ms. Glass then presented to the Board, explaining her communications with C2C, and issues that Board staff have faced with C2C.

Mr. Thompson, Mr. Roachell and Mr. Armer then approached the Board to speak on behalf of C2C. Mr. Thompson is C2C's counsel, Mr. Roachell is one of the owners of C2C, and Mr. Armer is C2C's contracting master electrician. Mr. Thompson spoke on what C2C to remedy the situation after Inspector Paetz reported C2C's violations. Mr. Thompson also provided an explanation for the "mismatched" roster issues.

Mr. Mayer asked Mr. Schmidt follow-up questions after Mr. Thompson's presentation. Ms. Glass also provided further explanation. Both Mr. Schmidt and Ms. Glass took issue with C2C's explanations, and Ms. Glass questioned the current "roster" of employees provided by C2C as it does not match the applications for apprenticeship the Board has received. Mr. Mayer then asked Mr. Armer to provide his statement. Mr. Armer spoke to the Board. Mr. Mayer then asked Mr. Armer a few questions as to his licensure and orientation, and the project. Mr. Schmidt displayed the certs requested by Mr. Armer since he gained his license in North Dakota.

Ms. Roemmich asked if the Board tracks when a cert is received. Ms. Glass and Mr. Schmidt explained the start date is the day it was received. Mr. Durbin asked how long C2C has been working in the State of North Dakota. Mr. Roachell explained C2C has been working in North Dakota since late 2019, but it has not been continuous. Mr. Roachell also explained there had been staff turnover since the incident at issue. Mr. Durbin then asked why the rush of filing certs now after Inspector Paetz had reported C2C's violations. Mr. Roachell spoke as to the answer for this question. Finally, Mr. Durbin asked what program C2C is registering their apprentices under. Mr. Roachell stated he'd have to speak with his office to confirm. Mr. Mayer asked Mr. Roachell to look into this and contact Ms. Glass and Mr. Schmidt with the program information to ensure it is a North Dakota approved education system.

Mr. Mayer then asked Mr. Roachell if these were employees of C2C, and Mr. Roachell responded affirmatively. Mr. Roachell explained they work in several states, and there is a large turnover rate in apprentices. Mr. Brandenburg inquired further into the multiple small certs that had been filed by C2C. Mr. Paulson asked Mr. Armer if it was standard for the contracting master to be off

site while the job is ongoing (Mr. Armer was in Texas at the time). Mr. Paulson asked if a master was on site at the time, and Mr. Schmidt replied two journeymen were on site.

Mr. Mayer then asked Mr. Roachell to speak to the Board. Mr. Roachell spoke to the Board about C2C and the issues that were raised by Inspector Paetz, Mr. Schmidt and Ms. Glass. Mr. Roachell reiterated that C2C acknowledges there were problems with C2Cs processes and that C2C is committed to work to fix these problems. Mr. Mayer spoke as to his thoughts on the issue.

Mr. Durbin moved the Board enter Executive Session for purposes of attorney consultation for pending or imminent litigation. Mr. Brandenburg seconded.

Roll Call Vote:

- Ms. Roemmich - Aye.
- Mr. Durbin - Aye.
- Mr. Brandenburg - Aye.
- Mr. Paulson - Aye.

The Board entered executive session at 9:51 a.m.

The Board exited executive session at 10:31 a.m.

The audience re-entered the Board meeting.

Mr. Porsborg explained the Board's decision to C2C's representatives:

- Informal Disposition
  - Probation lasting 24 months.
  - Mr. Armer must comply with the laws and rules of North Dakota.
  - C2C's employee roster of their employees working in North Dakota.
  - All Journeyman under your supervision must be up to date on ratio numbers, supervision requirements and the laws and rules of North Dakota.
  - Promptly communicate with all inspectors and board staff.
  - Violation of this agreement will result in expedited action by the Board on Mr. Armer's license.
  - Letter to the company informing them of their responsibilities, any future contracting masters found in violation will result in more severe action by the Board.

Mr. Thompson, Mr. Roachell and Mr. Armer stepped out to discuss the terms.

At 10:35 a.m. the Board took a brief recess.

At 10:53 a.m. the Board reconvened.

Mr. Thompson spoke to the Board, and C2C has accepted the terms of the Informal Disposition as outlined by Mr. Porsborg.

Mr. Paulson moved to accept the terms of the informal disposition as outlined by Mr. Porsborg and accepted by Mr. Thompson on behalf of C2C. Mr. Brandenburg seconded the motion. The motion passed unanimously. Discussion between the Board and C2C's representatives about the next steps to take place.

**End C2C**

**PTW**

Mr. Schmidt explained the issues to the Board with PTW being out of ratio with 17 unregistered individuals, 3 apprentices and 4 licensed electricians on a jobsite. Andrew Helps appeared before the Board on behalf of PTW. Mr. Helps spoke to the Board, explaining why the crew was out of ratio multiple times, and explaining what steps PTW has taken to correct these issues. Contracting master James Sandefur (“Daniel”) was invited but was unable to appear.

Mr. Mayer asked Inspector David Jaeger to speak on his inspection of PTW and the issues he observed and reported. Mr. Schmidt and Mr. Helps discussed PTW’s issues. Mr. Mayer asked Staff about the certs, and Staff confirmed this was not a cert issue. Mr. Durbin asked if Mr. Sandefur was PTW’s only contracting master, and Mr. Helps confirmed he was, but they are looking for another. Mr. Schmidt inquired if Mr. Sandefur would be available to speak via telephone. Mr. Helps provided the Board with the phone number, and the Board attempted to call Mr. Sandefur. There was no answer.

Ms. Roemmich moved the Board enter Executive Session for purposes of attorney consultation for pending or imminent litigation. Mr. Paulson seconded.

Roll Call Vote:

- Mr. Paulson - Aye
- Mr. Brandenburg - Aye
- Mr. Durbin - Aye
- Ms. Roemmich - Aye

The Board entered executive session at 11:18 a.m.

The Board exited executive session at 11:41 a.m.

The audience re-entered the Board meeting.

Mr. Schmidt asked additional questions of Mr. Helps - specifically, 17 of the us-registered individuals have not yet been registered, and Mr. Schmidt asked about their registration. Mr. Helps explained PTW’s roster.

Mr. Porsborg explained to Mr. Helps the action the Board will be taken, specifically a letter reminding Mr. Sandefur to be actively engaged, register his apprentices, to keep in ratio, and to request the employee roster.

Mr. Helps spoke again on how PTW will improve in the future.

The Board attempted to call Mr. Sandefur a second time. Mr. Sandefur spoke as to the issue.

**End PTW**

Paul McCarthy appeared before the Board to discuss his expired contractor license. Mr. Schmidt explained the issues with Mr. McCarthy’s license. Mr. McCarthy has let his license expire nine

times before renewing in the past nine years. Mr. Schmidt explained Mr. McCarthy constantly has issues with outstanding projects when his license lapses. Mr. McCarthy spoke to the Board. Mr. Mayer asked if Mr. McCarthy's license is current. Ms. Glass explained it had expired in April and has not been renewed. Mr. McCarthy recently fixed his cert corrections, and he currently does not have any outstanding issues. Mr. Durbin asked Mr. Schmidt the maximum amount a license can sit dormant without being renewed before an examination is required for renewal? Mr. Schmidt responded three years. Mr. Mayer asked Mr. McCarthy what his solution for the problems is, and Mr. McCarthy explained his plan moving forward. Mr. Paulson asked how much it costs to renew a license. Ms. Roemmich spoke briefly with her thoughts on the issue. The Board took no action on Mr. McCarthy's license.

Michael Walen appeared before the Board to discuss his expired license. Mr. Schmidt explained the issues with Mr. Walen's license. Ms. Glass and Mr. Walen discussed the corrections Mr. Walen had left outstanding. Mr. Mayer and Mr. Walen discussed the issues with Mr. Walen's corrections. Mr. Schmidt asked why Mr. Walen did not renew his license on time. The Board discussed and informed Mr. Walen this is his last chance before the Board takes action on Mr. Walen's license. Ms. Glass spoke with Mr. Walen about his plans for his license in the future because his current company is no longer active in North Dakota.

The Board discussed Kyle Haugenoe and William Paul who both still have outstanding fees and their license is expired. Attorney Porsborg confirmed the Board could require these individuals appear in front of the Board before renewal.

Ms. Roemmich moved Mr. Haugenoe and Mr. Paul would need to present before the Board before renewing their licenses. Mr. Brandenburg seconded. Motion approved unanimously.

The Board discussed Alexander Pinks who was invited to appear at 11:00am but did not. Mr. Schmidt explained the Board had denied Mr. Pinks' reciprocal license from Minnesota because he had North Dakota work experience and no education. Mr. Schmidt confirmed he would not be allowed to test as he does not have the necessary education.

Mr. Schmidt presented information on the Board's case with former employee Windhorst. Mr. Schmidt confirmed this case is now closed.

Doug Grinde, Director of Inspections appeared before the Board to present his report. Mr. Mayer asked Mr. Grinde to keep a watchful eye on C2C and PTW following the issues discussed this morning. Mr. Grinde described the ride-alongs he performed with the four newest inspectors. Mr. Grinde explained his plans for future ride-alongs with other inspectors. The Board is currently on approximately 9400 active certs, and 43 % are ready for final inspections. The Board had approximately 74 projects within the MHA Nation in 2022. Mr. Schmidt discussed the importance of rough-in inspections and the plan to increase rough-in inspections in the future.

Jonathan Sayler, Compliance Administrator appeared before the Board to present his report. Mr. Sayler discussed outreach the Board is doing with various schools (Marketplace for Kids and Career Fairs). The Board attended one Marketplace for Kids and had 32 students. The Board has attended three career fairs in Williston, Minot and Emmons County. Mr. Sayler has continued to track data in the office and has drafted proposals for the administrative rule process.

Mr. Schmidt informed the Board he was contacted by TMCC, who was applying for a Dept. of Labor grant, and requested Mr. Schmidt sign a letter in support of the grant for area colleges. Mr. Schmidt provided a copy of the letter to the Board.

Mr. Schmidt told the Board he had an individual call about a license that had expired in March of 2018. He had spoken with Ms. Roemmich. Mr. Schmidt informed the Board the law requires retesting if they have not been renewed for three years.

The Board discussed the employee manual. Mr. Schmidt provided copies of languages added to the employee manual to the Board. The Board discussed the changes, and questioned Attorney Porsborg as to legality of the changes. Ms. Roemmich moved to accept the employee amendment as presented. Mr. Paulson seconded. The motion passed unanimously.

The next regular scheduled board meeting will be held January 25, 2023.

Ms. Roemmich moved to adjourn the meeting. Mr. Brandenburg seconded. The vote passed unanimously.

The meeting adjourned at 1:20 p.m.

Date \_\_\_\_\_

Date: \_\_\_\_\_

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Rodney Mayer, PRESIDENT

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Paul Durbin, SECRETARY