

# **NORTH DAKOTA STATE ELECTRICAL BOARD MINUTES**

Wednesday, March 13, 2019

The North Dakota State Electrical Board meeting was called to order at 8:30 a.m. by President Rodney Mayer at the office of the North Dakota State Electrical Board, 1929 N. Washington Street, Suite A-1, Bismarck, N.D. Members present: Tom Paulson, Mark Christopher, Paul Durbin, and Christina Roemmich. Also present: James Schmidt, Executive Director; Ashley Windhorst, Administrative Assistant; Scott Porsborg, Special Assistant Attorney General; Austin Lafferty, Special Assistant Attorney General; Curt Kasper, NECA; and Clay Nagel, IBEW.

President Mayer asked for further Agenda items to appear at this meeting. There being no additional items, it was motioned by Tom Paulson and seconded by Mark Christopher to approve the Agenda and Consent Agenda items. Motion carried.

Mr. Schmidt indicated District 6 Inspector, David Paul, inquired about applying and participating on a code-making panel. Mr. Schmidt hasn't received anything further from David Paul or Kendrick Kjorsvik, so no information is available at this time.

Mr. Schmidt reviewed the current workload of inspectors. Mr. Schmidt asked the Board to consider hiring a couple inspectors as the workload is currently there and some inspectors are close to retirement. Training a new inspector takes quite a bit of time, plus with additional inspectors on staff, additional contacts, rough-ins, and re-inspections could be improved. This will be discussed again at the May meeting.

Mr. Schmidt indicated SB 2056 passed and was signed by the Governor on Wednesday, March 6, 2019. A memo was sent to applicants that were affected by this and applications continue to be processed. An education committee will need to be formed, programs reviewed, criteria set, etc. The committee member list from the prior education committee in 2013 was reviewed. Board discussed having an administrative rule to determine entities that should be on an education committee versus leaving it up to an executive director's discretion.

Mr. Schmidt reviewed the topic of reserves. He is currently working on revising the inspection fee structure. Board discussed an administrative rule to reduce fees for set amount of years to help reduce the current reserves. Mr. Schmidt would like another Board member or someone to work with him on the fee structure revision. Board discussed the advantages and disadvantages of having a Board member work on this process versus an accounting firm. It was proposed that Tom Paulson and Mr. Schmidt work together to revise the current fee structure and Mark Christopher will assist if needed.

At 9:00 a.m., Paula Glass, Office Manager, entered the meeting.

Jesse James was to appear before the Board, however, did not show. Mr. James called the Board's office this morning and said he had mixed up the date and was planning on coming tomorrow. Board discussed Mr. James' outstanding corrections and what to do with his

license. At 9:30 a.m., the Board called Jesse James. President Mayer asked Mr. James when the jobs will be completed. Mr. James said the corrections are complete and agreed to meet with Mr. Schmidt tomorrow morning at 10:00 a.m. in Bismarck. The Board discussed placing Mr. James' Master license on probation for one (1) year; in which time he shall comply with the Laws & Rules, respond to all contact from the Board, complete all corrections within 30 days, and pay the outstanding \$300.00 Invoice tomorrow. Motioned by Tom Paulson and seconded by Christina Roemmich to leave probation of Jesse James' Master license up to the discretion of Executive Director, James Schmidt, after tomorrow's meeting. The Board discussed the difference of going informal versus formal. Scott Porsborg, Special Assistant Attorney General, explained. Mr. Schmidt asked about a no show due to potential weather. The Board indicated if weather is an issue then Mr. James would need to notify Mr. Schmidt, and if necessary, reschedule the meeting to the following week. Motion carried.

Jason Parsons was to appear before the Board to discuss his outstanding issues. A letter was received by the Board on Tuesday, March 12, 2019, stating he was unable to appear at today's meeting. Mr. Parsons was to appear at a Board meeting last March also, however, failed to appear. The Board discussed whether to take formal or informal action against his Master license. Motioned by Tom Paulson and seconded by Paul Durbin to place Jason Parsons' Master license on probation for one (1) year. He must complete all corrections and pay all fees within 90 days. Discussion was if he has 90 days, does the office take his Master license off hold to allow renewal by April 30th? Tom Paulson amended his motion. Motioned by Tom Paulson and seconded by Paul Durbin to place Jason Parsons' Master license on probation for one (1) year and all of his corrections and fees must be completed by April 30, 2019. Amended motion carried. Attorney Porsborg will draft the probation agreement.

At 10:00 a.m., the Board recessed for a short break.

At 10:15 a.m., the Board reconvened.

Mr. Schmidt is working with ITD and the goal is to be switched over to ITD and have new computers setup by the next Inspectors' meeting, which is April 10-12, 2019.

Mr. Schmidt discussed pursuing more reciprocity agreements with similar states. The Board discussed and agreed to pursue possible agreements.

Mr. Schmidt indicated a letter was sent to the City of Minot with a rate for helping them inspect the Trinity Hospital project. A response was received from Mitch Flanagan, City of Minot, which stated the City of Minot will handle the hospital project for now.

The Board reviewed the request from Adam Zurcher to reinstate his Master license and appear by phone to discuss. Mr. Zurcher had abandoned eight jobs in North Dakota and let his Master license lapse. The Board discussed past actions of Mr. Zurcher. At 10:45 a.m., the Board called Mr. Zurcher. Mr. Zurcher explained his departure and said he takes full responsibility for it. He discussed how non-payment on jobs and issues with customers contributed to him pulling off jobs and out of North Dakota. He claimed to not be aware of

the eight jobs he left with open corrections; however, then claimed he did not complete the corrections because of non-payment from customers.

At 10:55 a.m., Doug Grinde, Director of Inspections, entered the meeting.

Adam Zurcher interrupted and cut off Mr. Schmidt and Doug Grinde when they tried to comment or question things he had done in the past. Mr. Zurcher stated he kept in contact with the inspectors and that he was willing to hire Dakota Electric to finish his jobs.

Motioned by Tom Paulson and seconded by Paul Durbin to enter into Executive Session for attorney consultation. Roll call vote and all were in favor. Motion carried.

At 11:06 a.m., the call with Adam Zurcher ended. Curt Kasper and Clay Nagel left the room.

At 11:07 a.m., the Board entered Executive Session.

Motioned by Mark Christopher and seconded by Christina Roemmich to exit Executive Session. Roll call vote and all were in favor to exit.

At 11:18 a.m., the Board exited Executive Session. Curt Kasper and Clay Nagel re-entered the meeting.

The Board called Adam Zurcher. Motioned by Tom Paulson and seconded by Paul Durbin not to reinstate Adam Zurcher's Master license. Motion carried.

Attorney Porsborg informed Mr. Zurcher that an administrative Order of the Board refusing to reinstate his Master license will be sent. He will have 60 days to appeal. Mr. Zurcher refused to let Attorney Porsborg finish and stated his attorney will handle it when he sues the Board. Attorney Porsborg asked if he should communicate with his attorney, and Mr. Zurcher responded no. Mr. Zurcher asked what the provisions are for non-reinstatement. Attorney Porsborg offered to read N.D.C.C. 43-09-15 and indicated the Board's decision was also because of the abandonment of jobs in North Dakota. Mr. Zurcher commented that the Board didn't want to discuss fees and finances when it came to him. The Board pointed out that by him abandoning jobs it cost the homeowners additional money. At the end of the conversation, Mr. Zurcher used inappropriate language describing the Board members.

At 11:25 a.m., Doug Grinde left the meeting.

Mr. Schmidt discussed HB 1157. Ben Koppelman was to send Mr. Schmidt amendments prior to today's meeting; however, nothing was received so no changes at this time. Much discussion was had on this bill, and Mr. Schmidt asked for direction from the Board regarding the bill's committee hearings, etc. Motioned by Tom Paulson and seconded by Christina Roemmich to oppose HB 1157 as written. Motion carried.

Mr. Schmidt talked about CTE (Career & Technical Education). There is nothing further on this at this time but will be discussed in the future.

At 12:00 p.m., Paula Glass left the meeting. Doug Grinde re-entered the meeting.

Doug Grinde reviewed district reports and certificate numbers. Tom Crawford is still helping out in various districts where needed. Mr. Grinde reviewed incoming versus outgoing certificate numbers along with active certificates per county. Mr. Grinde indicated a couple inspectors have mentioned retiring and stated it would be nice to hire and begin training prior to a couple years from now. If we hired now, there would not only be more time for training, but more rough-ins, periodics, and personal contacts. The Board reviewed the rate of inspections per hour.

At 12:50 p.m., Doug Grinde left the meeting. Scott Halle, Training and Compliance Administrator, entered the meeting.

The Board reviewed comment cards from the CEU classes. Scott Halle indicated the 2019 contracts are being completed. The Grand Forks CEU class will be moving back to the Ramada. Mr. Halle indicated he is starting to reserve locations for 2020. He is working on the presentation for this year's class as well as adding more calculations to it. He has also been contacting and visiting high schools throughout the state. He's visited eight schools so far. During his visits, he has a short video, a PowerPoint presentation, and discusses wages and education options. The Board discussed more ways to promote the electrical industry.

At 1:20 p.m., Scott Halle left the meeting.

Mr. Schmidt wanted to add a for your information to the Board of an issue between a city inspector and a contractor regarding when an electrical rough-in could begin. Mr. Schmidt sent an email to all city and state inspectors stating if poly is on windows and a layer is on the roof of a new building then the electrical work can begin.

The next regular meeting of the Board will be May 22, 2019 at 8:30 a.m.

There being no further business, it was motioned by Tom Paulson and seconded by Paul Durbin to adjourn the meeting. The meeting was adjourned at 1:30 p.m.

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Rodney Mayer, PRESIDENT

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Tom Paulson, SECRETARY