

NORTH DAKOTA STATE ELECTRICAL BOARD MINUTES

Wednesday, May 15, 2013

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, 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. Mr. Schmidt informed the Board of additional agenda items consisting of upcoming NERA meeting, availability of an apartment/house in Dickinson, and advertising process for inspector positions. Ben Koppelman inquired of a summer social event. There being no further Agenda items, it was motioned by Rodney Mayer 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. Mr. Koppelman abstained from voting due to conflict of interest with a cease and desist pertaining to Kyle Pieper. It was motioned by Rodney Mayer and seconded by Kyle Miller to approve the Consent Agenda items. Motion carried.

Mr. Schmidt handed out the proposed 2013-2014 budget and explained the new format. Discussion took place concerning certain line items including the addition of renting a room at a hotel for licensing examinations due to conflicts with the State Capitol and inspection fees.

At 8:50 a.m., Herman Guy, Mike Franks and Ashley Windhorst entered the meeting.

At 8:55 a.m., John Davis and Gary Lunsford entered the meeting.

Further discussion of the budget was tabled in the interim.

Herman Guy provided the Board with blueprints/drawings of work he has done to substantiate taking the Master exam. President Scherer explained that there is no documentation or verification of hours and inspections through a governmental entity. No evidence has been provided to contradict findings of South Carolina's licensing and inspection processes. Mr. Schmidt asked that Mr. Guy provide additional documentation and reapply for the Journeyman license. Further discussion took place concerning any qualified employees he would have working for him if he obtained a North Dakota Master license. Mr. Guy has indicated that he has been working in North Dakota as an apprentice for L.G. Electric for approximately three months. Motioned by Ben Koppelman and seconded by Karen Karls to deny Mr. Guy's Application for a Master Electrician's License. Motion carried.

Mike Franks provided the Board with testimony to substantiate taking the Master exam. Mr. Frank's testified that most of his work was in a family business and in Indiana and Illinois, as well as a few years in Michigan. Mr. Franks indicated that it is not his intent to contract and only to help family who lives in Bottineau with some construction. Mr. Koppelman inquired of Mr. Frank obtaining a Journeyman license instead and working under a North Dakota contracting Master. Motioned by Rodney Mayer and seconded by Ben Koppelman to allow Mr. Franks to take the Journeyman placement exam. If he receives a passing score of 80 percent, Mr. Franks would be

allowed to take the Journeyman license exam. If he passes the Journeyman license exam, he would have to work for a North Dakota contracting Master for 2,000 hours before he would be eligible to take the North Dakota Master electrician's exam. Motion carried.

John Davis provided the Board with testimony to substantiate taking the Journeyman exam. Mr. Davis testified that most of his work was in New York. No evidence has been provided to contradict findings of New York's licensing and inspection processes. Mr. Davis informed the Board that he went through apprenticeship training with the Union and obtained his journeyman card and has over 28,000 hours recorded with them. Motioned by Ben Koppelman and seconded by Karen Karls to allow Mr. Davis to take the Journeyman placement exam. If he receives a passing score of 80 percent, Mr. Davis would be allowed to take the Journeyman license exam. Motion carried.

Gary Lunsford provided the Board with testimony to substantiate taking the Journeyman exam. Mr. Lunsford testified that most of his work was in Tennessee, Arkansas and Alaska and has over 40 years of experience, including instructing at JATC classes. Motioned by Rodney Mayer and seconded by Ben Koppelman to allow Mr. Lunsford to take the Journeyman placement exam since we are unable to verify his hours. If he receives a passing score of 80 percent, Mr. Lunsford would be allowed to take the Journeyman license exam. Motion carried.

Herman Guy, Mike Franks, John Davis, Gary Lunsford and Ashley Windhorst left the meeting.

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

Garth Hagen's request to waive the three-year requirement of obtaining required hours of experience was discussed. Motioned by Rodney Mayer and seconded by Ben Koppelman to deny Mr. Hagen's request. Motion carried.

Marcelino France's request to waive his exam retesting waiting period was reviewed. Motioned by Rodney Mayer and seconded by Kyle Miller to deny Mr. France's request. Motion carried.

At 10:20 a.m., the Board recessed for a break.

At 10:30 a.m., the Board reconvened.

At 10:30 a.m., Randsy Reed and Tony Jongresso entered the meeting.

Mr. Schmidt informed the Board that Curtis Graff was unable to attend the Board meeting and asked to appear by telephone. Mr. Porsborg asked Mr. Graff if he was represented by counsel at this meeting. Mr. Graff agreed that his counsel should be present. This matter will be rescheduled for the July, 2013 Board meeting.

Randsy Reed appeared before the Board to appeal denial of his Application for a Journeyman License, which was denied pursuant to NDCC 43-09-09.1. Mr. Reed explained his criminal offenses. Tony Jongresso, project manager for Northern Electric, provided testimony on behalf of Mr. Reed. Mr. Jongresso indicated that Mr. Reed is currently working for Northern Electric in the oil fields. Registration as a sex offender was verified, and rehabilitation was discussed. Motioned by Ben Koppelman and seconded by Kyle Miller to approve Mr. Reed's Application for a Journeyman License (by reciprocity). Motion carried.

Randsy Reed and Tony Jongresso left the meeting.

Mr. Porsborg reported on Board meeting protocols pursuant to a recent Attorney General's ruling. Mr. Koppelman inquired about a July social event, and the implications per this ruling.

Mr. Schmidt provided an update on the City of Fargo and the Sanford Hospital project. Mr. Porsborg provided an update on conversations he has had with City of Fargo's attorney. Emphasis was taken that electrical inspectors should be public employees/officials. Discussion took place concerning inspection options on the Sanford project, which included inspection by state inspectors. Further discussion and correspondence will take place with the City of Fargo on this subject.

Mr. Schmidt reported that a meeting has been scheduled with the Administrative Rules Committee for June 6, 2013 concerning the administrative rule change on Master/Class B electricians.

Administrative rule proposals were reviewed and discussed. Mr. Porsborg informed the Board that the Board does not have to present each and every proposal at the administrative rules hearing. The Board can opt which ones they will consider. This matter was tabled in the interim for further discussion.

At 12:55 p.m., the Board recessed for a break.

At 1:05 p.m., the Board reconvened

At 1:05 p.m., Lucas Zabka and Jim Kavanagh entered the meeting.

Mr. Schmidt provided an update on the matter involving Lucas Zabka. Discussion took place and Mr. Zabka reported on the jobs that he billed out and was charged with wiring without a proper license. Motioned by Ben Koppelman and seconded by Kyle Miller to grant Mr. Zabka his North Dakota Master license and that he placed on probation for one year. Ben Koppelman amended his motion and Kyle Miller seconded that if Mr. Zabka elects to put his Master license in contracting status, he will also be required to take the North Dakota Administrative Rules test. Motion carried. Mr. Porsborg will draft the Probation Agreement.

At 1:25 p.m., Lucas Zabka and Karen Karls left the meeting.

Mr. Schmidt presented the Board with possibilities of a new Board logo.

Further discussion took place concerning administrative rule proposals. Each proposal was reviewed and determined if it will proceed to the next level. Jim Kavanagh of AFC Cable Systems commented on proposals concerning metal raceways.

At 3:20 p.m., Karen Karls entered the meeting.

Motioned by Karen Karls and seconded by Rodney Mayer to direct staff to refine and combine duplicate proposals and that this matter will be reviewed again at the July, 2013 Board meeting. Motion carried. The administrative rules hearing scheduled for July 10, 2013 shall be cancelled and rescheduled for a later date.

Ordering of 2014 NEC code books was discussed. From previous years, price has increased by approximately \$20.00 per book. Mr. Schmidt reported that a quantity of 1,000 books was included in the budget.

At 5:00 p.m., Scott Porsborg left the meeting.

Discussion resumed on the 2013-2014 proposed budget. Mr. Koppelman inquired of inspection fees. Motioned by Kyle Miller and seconded by Rodney Mayer to approve the 2013-2014 budget. Motion carried.

Mr. Schmidt informed the Board of the need for a place in Dickinson to house inspectors. A two-bedroom house will be available approximately September 1, 2013 for \$1,500 per month, which includes utilities, furnishings and maintenance. These housing costs were already included in the 2013-2014 budget.

Mr. Schmidt provided the Board a status report on the advertisement for inspectors; NERA meeting and the authority to share exam questions; and the upcoming Western Section IAEI meeting in Colorado Springs, Colorado.

Mr. Schmidt informed the Board that a recent former employee, David Jaeger, has contacted him about re-employment. Mr. Jaeger will start again on June 10, 2013, and work in the Williston area.

There being no further business, it was motioned by Kyle Miller and seconded by Karen Karls to adjourn the meeting. The meeting was adjourned at 6:30 p.m.

Date

Date

Earl Scherer, PRESIDENT

Karen Karls, SECRETARY