

NORTH DAKOTA STATE ELECTRICAL BOARD MINUTES

Wednesday, July 10, 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. Others present: Chad Lemar and Art Andrews.

Acting President Scherer turned the meeting over to Executive Director, James Schmidt, for the election of President. Mr. Schmidt called for nominations for President. Motioned by Karen Karls and seconded by Rodney Mayer to nominate Earl Scherer as President. There being no other nominations, motion carried. Mr. Schmidt turned the meeting back over to President Scherer. President Scherer asked for nominations for Vice President. Motioned by Karen Karls and seconded by Ben Koppelman that Rodney Mayer be nominated for Vice President. There being no other nominations, motion carried. President Scherer asked for nominations for Secretary. Motioned by Ben Koppelman and seconded by Kyle Miller to nominate Karen Karls for Secretary. There being no other nominations, motion carried. President Scherer asked for nominations for Treasurer. Motioned by Kyle Miller and seconded by Karen Karls to nominate Ben Koppelman for Treasurer. There being no other nominations, motion carried.

President Scherer asked for further Agenda items to appear at this meeting. Mr. Schmidt informed the Board of additional agenda items consisting of an employee picnic and status of Lucas Zabka's probation. Ben Koppelman added expense reimbursement by direct deposit. There being no further Agenda items, it was motioned by Ben Koppelman and seconded by Rodney Mayer 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 Rodney Mayer to approve the Consent Agenda items. Motion carried. Mr. Schmidt handed out budget comparisons for their information.

Mr. Schmidt informed the Board that Ben Koppelman was re-appointed for another 5-year term.

The topic of tuition reimbursement was discussed, which was tabled from previous meetings. The Board reviewed the drafted policy guideline form, and it was motioned by Rodney Mayer and seconded by Karen Karls to approve the policy guideline form for employee tuition reimbursement. Motion carried.

Ben Koppelman brought up board expense reimbursement by direct deposit instead of checks. Paula Glass indicated that right now only employee paychecks are set-up for direct deposit, but she will check on the availability of direct deposit for board members.

Mr. Schmidt informed the Board of the possibility of having an employee picnic on August 28, 2013, which will include board members. The administrative staff will organize such.

Mr. Schmidt advised the Board that Lucas Zabka has not yet returned his Probation Agreement, but communication with him has indicated it is forthcoming.

Due to Herman Guy appearing before the Board, Mr. Schmidt informed the Board that Mr. Guy has once again submitted an application for a license, however, no further documentation was submitted as previously requested from him, and since it was insufficient, the application was returned to him.

Mr. Schmidt informed the Board that David Jaeger has returned to work and is currently working in Williston. Also, John Travis of North Dakota State College of Science is working part-time for the summer in the Minot area. Jerry Brackin, an instructor at NDSCS, is now working full-time and is OSHA certified. Douglas Grinde will start on July 15th as a full-time inspector. The Board now has 14 inspectors and is in the process of updating the district map.

Mr. Schmidt handed out current and new blueprints for the Board's office space. Motioned by Rodney Mayer and seconded by Kyle Miller to approve the new plans for renovating office space, and authorized Mr. Schmidt to proceed. Motion carried. Ben Koppelman volunteered to help in the design, if needed.

At 9:30 a.m., Wayne Salter, by telephonic conference, entered the meeting.

Mr. Salter is appealing to take his Journeyman license exam. Most of Mr. Salter's experience is in Georgia, Oklahoma and California. Mr. Salter testified as to his years of experience and licenses obtained in various states. Motioned by Ben Koppelman and seconded by Rodney Mayer to allow Mr. Salter to take the Journeyman placement exam. Motion carried. Due to his state of residence, if Mr. Salter passes the placement exam, appropriate accommodations will be made for him to take the Journeyman exam.

At 9:45 a.m., Wayne Salter left the meeting.

Jesse Johnson has requested that the Board waive his waiting period to retake the Journeyman exam. It was motioned by Ben Koppelman and seconded by Kyle Miller to deny his request to waive his re-exam waiting period. Motion carried.

Mr. Schmidt informed the Board that Brady Martz will be conducting their 2-year audit in September. Rodney Mayer indicated that he will excuse himself as he uses the same firm. Motioned by Kyle Miller and seconded by Karen Karls to accept Brady Martz's proposal. Motion carried.

Information on the first organizational meeting of the Education Committee was brought to the Board. Mr. Schmidt stated it was a very good meeting and homework was assigned. Next meeting is scheduled in September. Rich Wolfe may represent the inspectors on this Committee. Discussion took place on how items are going to be addressed on the Committee, and Mr. Schmidt stated that the Committee will advise to the Board and the Board will have final approval.

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

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

Scott Porsborg, Special Assistant Attorney General, and Lyle Wergeland entered the meeting.

At 10:15 a.m., Curtis Graff and William Bergman, by telephonic conference, entered the meeting.

Mr. Schmidt reiterated to the Board the reason for Mr. Graff's appearance due to his inability to appear at the last Board meeting. At this meeting, the Board must decide on appropriate sanctions. Mr. Graff has indicated that he is getting out of the electrical business. Motioned by Rodney Mayer and seconded by Kyle Miller to place Curtis Graff's Class B license on probation for three months. With no objection, motion carried. Scott Porsborg dictated the stipulations of the probation. Mr. Bergman, attorney for Mr. Graff, inquired if this was a matter of public record. At this time, it will only be identified in these Minutes and on his record.

At 10:45 a.m., Mr. Graff and Mr. Bergman left the meeting, and Terry Packer and Allen Jenkins entered the meeting.

Mr. Schmidt outlined why Mr. Jenkins and Mr. Packer are being brought before the Board. Primarily, it was due to inadequate paperwork and falsifying past due corrections. Mr. Jenkins testified that he hired inadequate employees, which caused this situation. Mr. Packer testified that he is primarily the one that handles filing the wiring certificates and doing the corrections. Mr. Jenkins stated that he plans on scaling back on jobs and getting more hands on. Mr. Schmidt informed Mr. Jenkins that any certificates taken out on projects are his certificates, not Mr. Packer's. Kyle Miller's concern was that they are billing customers for shoddy work because the corrections are so extensive. Mr. Jenkins informed the Board that he is a licensed Master in the State of Minnesota and operates under Republic Electric. Motioned by Ben Koppelman and seconded by Kyle Miller to enter into Executive Session. Motion carried. Terry Packer, Allen Jenkins, Chad Lemar and Art Andrews left the meeting.

At 11:25 a.m., the Board entered into Executive Session.

At 11:50 a.m., Ben Koppelman motioned and Karen Karls seconded to end Executive Session. Motion carried. Terry Packer, Allen Jenkins, Chad Lemar and Art Andrews entered the meeting.

Mr. Porsborg dictated the stipulations of an agreement, which included, but not limited to, licenses being placed on probation for three years, no further certificates to be issued, all corrections to be completed by August 23, 2013, Terry Packer not allowed to take Master exam until Board approves, and all administrative and re-inspection fees paid by August 23, 2013. Mr. Jenkins and Mr. Packer verbally agreed to the terms. Mr. Packer and Mr. Jenkins explained to Board why some of the corrections are not getting done. Motioned by Ben Koppelman and seconded by Karen Karls to place Terry Packer and Allen Jenkins on probation as stipulated by Mr. Porsborg, and prepare appropriate Probation Agreements. Motion carried.

At 12:10 p.m., Terry Packer and Allen Jenkins left the meeting.

Discussion took place on City of Fargo's Sanford Medical inspector situation. Chad Lemar from City of Fargo has confirmed that he will sign off on the project.

Art Andrews presented the Board with an AC/MC cable demonstration.

At 12:45 p.m., the Board recessed for a break, and Art Andrews and Chad Lemar left the meeting.

At 1:10 p.m., the Board reconvened.

Mr. Schmidt explained the problems that the staff has been witnessing concerning contracting Masters not knowing the administrative rules. Right now, electricians who take the Master exam

take a test on administrative rules, however, reciprocal contracting Masters take a shortened version. Motioned by Kyle Miller and seconded by Ben Koppelman to administer an administrative rules test to any Master going into contracting status before they obtain their license or switch status, effective immediately. Motion carried.

Lyle Wergeland reviewed with the Board the situation involving LDS Church in Dickinson. Motioned by Ben Koppelman and seconded by Karen Karls to allow MC cable to remain as installed. Discussion by Rodney Mayer concerned the South Dakota firm failed to notify North Dakota before permit taken out. Motion carried.

Mr. Schmidt informed the Board that the hearing in front of the Administrative Rules Committee resulted in a modification of the Master/Class B requirement proposed rule, and it was accepted.

A review of the administrative rule proposals was conducted.

A tentative timeline was proposed to have the administrative rules hearing sometime in October or early November in order to adopt the rules by September/October, 2014 or no later than January, 2015. This would allow the Board to review the changes to the 2014 National Electrical Code and to conduct its state-sponsored CEU classes before the 2014 National Electrical Code is adopted.

Lauren Barr's Application for a Journeyman License was brought before the Board. Mr. Barr's identifies a felony which resulted in registering as a sex offender. Motioned by Ben Koppelman and seconded by Rodney Mayer to deny Mr. Barr's Application pending more information. Motion carried.

At 3:30 p.m., Scott Porsborg left the meeting.

Lyle Wergeland presented the Board with new district makeups.

At 3:45 p.m., Ed Therriault entered the meeting.

Mr. Therriault reported to the Board the new CEU programs, and the responses received so far. The inspectors are sized and ready for FR clothing, and he may have Jerry Brackin teach OSHA class to inspectors.

There being no further business, it was motioned by Ben Koppelman and seconded by Rodney Mayer to adjourn the meeting. The meeting was adjourned at 4:00 p.m.

Date

Date

Earl Scherer, PRESIDENT

Karen Karls, SECRETARY