

# **NORTH DAKOTA STATE ELECTRICAL BOARD “SPECIAL MEETING” MINUTES**

Wednesday, August 12, 2015

The North Dakota State Electrical Board meeting was called to order at 10:00 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, Kyle Miller, Ben Koppelman, Tom Paulson and Karen Karls. Also present: James Schmidt, Executive Director; Paula Glass, Office Manager; Lyle Wergeland, Director of Inspections; Kendrick Kjorsvik, District 10 Inspector; and Scott Porsborg, Special Assistant Attorney General.

Tom Paulson was welcomed to the North Dakota State Electrical Board as the new consumer member serving on the Board, and Karen Karls was once again thanked for her years of service to the Board.

President Scherer called for the election of Board of Directors and turned the meeting over to Executive Director, James Schmidt. Mr. Schmidt called for nominations for President. Ben Koppelman moved, and seconded by Rodney Mayer to nominate Earl Scherer for President. There being no other nominations, it was motioned by Ben Koppelman and seconded by Rodney Mayer to cast a unanimous ballot for Earl Scherer to be President. Motion carried. Mr. Schmidt turned the meeting back over to President Scherer. President Scherer called for nominations for Vice President. Kyle Miller moved, and seconded by Ben Koppelman to nominate Rodney Mayer for Vice President. There being no other nominations, it was motioned by Ben Koppelman and seconded by Tom Paulson to cast a unanimous ballot for Rodney Mayer to be Vice President. Motion carried. President Scherer asked for nominations for Treasurer. Kyle Miller moved, and seconded by Ben Koppelman to nominate Tom Paulson for Treasurer. There being no other nominations, it was motioned by Kyle Miller and seconded by Rodney Mayer to cast a unanimous ballot for Tom Paulson to be Treasurer. Motion carried. President Scherer asked for nominations for Secretary. Ben Koppelman moved, and seconded by Tom Paulson to nominate Kyle Miller for Secretary. There being no other nominations, it was motioned by Rodney Mayer and seconded by Tom Paulson to cast a unanimous ballot for Kyle Miller to be Secretary. Motion carried.

At 10:10 a.m., Karen Karls left the meeting.

Terry Kooker was scheduled to appear at 10:15 a.m., and failed to appear at this Board meeting to determine whether his Master license should be denied, suspended or revoked for the reasons stated under N.D.C.C. §43-09-15. The Board reviewed the summary of the outlying issues related to Mr. Kooker. Motioned by Ben Koppelman and seconded by Kyle Miller to proceed with revocation of Terry Kooker’s Master license. Motion carried. Attorney Porsborg will prepare the legal documents to proceed with formal revocation.

Further discussion took place concerning Jason Will, who is the owner of All-In Electric, and who Terry Kooker is the contracting Master. Mr. Will had not renewed his North

Dakota Journeyman license. Terry Kooker and Jason Will were both sent cease and desists to stop performing, advertising or contracting to make electrical installations. Motioned by Ben Koppelman and seconded by Tom Paulson to request Jason Will to appear at the next Board meeting. Motion carried.

At 10:50 a.m., Mark Latour and Ken Mueller entered the meeting.

Mr. Schmidt inquired of Mark Latour as to why he was asked to appear before the Board. Ms. Glass provided the Board with a synopsis of events, which included past due corrections being completed. Ken Mueller, owner of L & M Electric, provided an explanation on the outstanding issues. Mr. Mueller has indicated that he has hired WE Integrate to fix the outstanding code violations as he is planning on closing his business.

At 11:15 a.m., Justin Neidviecky and David Phillips entered the meeting.

Mr. Wergeland outlined the code violations, and Mr. Mueller provided a date of August 28, 2015 in order to get the corrections completed. Attorney Porsborg provided advice on informal versus formal disposition on Mr. Latour's Master license. At this time, Mr. Latour is required to have the code violations corrected by August 28, 2015 or appear at the next Board meeting. This was verbally understood by Mr. Latour and Mr. Mueller. Mr. Latour and Mr. Mueller were instructed to meet with Mr. Wergeland after the Board meeting to discuss these issues.

At 11:32 a.m., the Board recessed for a break.

At 11:45 a.m., the Board reconvened.

Justin Neidviecky, and his attorney, David Phillips, appeared before the Board. The Board staff provided copies of information to the Board and to all present outlining the issues that led to the need for Mr. Neidviecky's appearance before the Board to determine whether his Master license should be denied, suspended or revoked for the reasons stated under N.D.C.C. §43-09-15. Discussion took place concerning a wiring certificate that has code violations remaining. Mr. Neidviecky claims that he did not do any work at the site nor has any record of being paid, however, information was provided by the owner that Mr. Neidviecky was paid \$15,000. Mr. Neidviecky had also certified four correction reports as having been completed, however, upon re-inspection, not all of the code violations had been corrected. Kendrick Kjorsvik reiterated the code violations he found during the re-inspection process. Mr. Koppelman questioned Mr. Neidviecky as to why the correction reports are being certified without being completed. Mr. Neidviecky claims that a former employee, Chris Dunker, using Apple Electric's stationary, took it upon himself to bid and perform the work, and that he was not going to be held responsible for Mr. Dunker's work. Mr. Koppelman explained the responsibilities of being a contracting Master electrician, and Attorney Porsborg advised a Master is responsible for work performed under a wiring certificate.

After further discussion, it was motioned by Rodney Mayer and seconded by Ben Koppelman to enter into Executive Session. Motion carried. Justin Neidviecky and David Phillips left the meeting.

At 12:59 p.m., the Board entered into Executive Session.

At 1:45 p.m., Ben Koppelman motioned and Kyle Miller seconded to end Executive Session. Motion carried. Justin Neidviecky, David Phillips and Joe Stenvold entered the meeting.

Motioned by Ben Koppelman and seconded by Kyle Miller to proceed with formal revocation of Justin Neidviecky's Master license. Motion carried. Attorney Porsborg advised Mr. Neidviecky that the Board has elected to proceed through an Administrative Law Judge (ALJ) and explained the process. Mr. Neidviecky must provide information to prove who or what firm did the electrical work and complete corrections by October 15, 2015. Attorney Porsborg will prepare the legal documents to proceed with formal revocation.

At 1:50 p.m., Justin Neidviecky and David Phillips left the meeting.

Joe Stenvold appeared before the Board. Mr. Schmidt and Ms. Glass provided the Board with issues pertaining to Mr. Stenvold, and his appearance was requested to determine whether his Master license should be denied, suspended or revoked for the reasons stated under N.D.C.C. §43-09-15. Discussion took place concerning the outstanding past due corrections, and the rectification of those corrections. Mr. Stenvold apologized for not previously communicating with the Board and allowing this matter to be brought to this point. At this time, Mr. Stenvold is required to have the code violations corrected by August 31, 2015. This was verbally understood by Mr. Stenvold. No further action was taken at this time.

James Powell was scheduled to appear at 11:45 a.m., and corresponded that he would not be able to appear. Ms. Glass indicated that Mr. Powell had rectified all past due items and the only thing pending is a current Certificate of Liability Insurance in order to renew his license. No further action was taken.

Mr. Schmidt reviewed an updated list of non-renewed contractors with the Board. A contractor remains with outstanding corrections and the staff has been working with Tom Witteman on these items. Mr. Schmidt is to communicate with Mr. Witteman that the Board set a deadline of October 15, 2015 to complete the past due corrections, or he will be required to appear at the next Board meeting, and he is not to issue wiring certificates until the corrections have been rectified.

After discussion, the September 2, 2015 meeting will be cancelled, and the next Board meeting will resume on November 18, 2015.

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 2:55 p.m.

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Date

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Date

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Earl Scherer, PRESIDENT

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Kyle Miller, SECRETARY