

# **NORTH DAKOTA STATE ELECTRICAL BOARD MINUTES**

Wednesday, September 14, 2011

The North Dakota State Electrical Board meeting was called to order at 8:45 a.m. by President James Schmidt at the office of the North Dakota State Electrical Board, 1929 N. Washington Street, Suite A-1, Bismarck, N.D. Members present: Earl Scherer, Karen Karls and Rodney Mayer. Also present was Paula Glass and Lyle Wergeland. Members absent: Ben Koppelman.

President Schmidt asked for further Agenda items to appear at this meeting. President Schmidt indicated he had additional items regarding reimbursement of Lyle Wergeland's apartment expenses and Murray Sagsveen's appearance at 11:00 a.m. to discuss City of Minot. Rodney Mayer indicated he wanted to inform the Board of a conversation with the City of Minot's Mayor concerning self-wiring. Paula Glass indicated she had received an e-mail to reconsider reciprocity of Master licenses with Idaho. There being no further Agenda items, it was motioned by Earl Scherer and seconded by Karen Karls that the Agenda, as amended, be approved. Motion carried.

Minutes were presented from the June 10, 2011; July 13, 2011; August 5, 2011; and August 18, 2011 Board Meetings. Motioned by Rodney Mayer and seconded by Earl Scherer that the Minutes of these meetings be approved, with minor changes to paragraph structure to the July 13, 2011 Minutes. Motion carried.

The Board reviewed a breakdown of expenses incurred by Lyle Wergeland in retaining his apartment in Minot, North Dakota after he accepted the position of Director of Inspections. Due to sending State inspectors to the City of Minot for flood recovery and lack of housing, it was motioned by Karen Karls and seconded by Earl Scherer to retain the apartment and reimbursement Mr. Wergeland for apartment/garage rent, utilities, mileage and other items incurred from June through August, 2011. Motion carried.

Scott Porsborg, Special Assistant Attorney General, entered the meeting at 9:00 a.m.

Paula Glass inquired if this reimbursement is to continue. It was motioned by Earl Scherer and seconded by Rodney Mayer to continue to reimbursement Mr. Wergeland until the apartment/garage is no longer needed for inspector housing. Motion carried.

Ashley Windhorst entered the meeting at 9:15 a.m.

Ms. Windhorst informed the Board that she is receiving a lot more applications for licenses in which self-certification appears to be the only method for verifying time and experience. Discussion followed on how time and experience is verified for Master applications. Ms. Glass indicated that in some states, such as California, problems are encountered when verifications or phone calls are not returned or jobs and jurisdictions are not completed properly. Ms. Windhorst commented that it appears North Dakota may be the only state that is actually verifying hours and experience to the extent we do. President Schmidt indicated that the Board needs to adhere to its current standards of verifications, and directed the staff to continue our current standards of processing.

The matter of reciprocating with Alaska was discussed. Ms. Windhorst requested and received an e-mail from Al Nagel, Alaska's Executive Director, indicating that Alaska does not have Master

electricians. The Electrical Administrator's license is not equivalent to a Master license. Also, not every jurisdiction in Alaska is inspected due to its size and landscape.

Henry Deats' application for a Journeyman/Master license was reviewed and discussed. Mr. Deats' application was denied due to problems verifying his time and experience.

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

At 10:10 a.m., the Board reconvened. Zach Pelham and Rachel Bruner Kaufman, attorneys for Henry Deats, entered the meeting.

Mr. Pelham informed the Board that Henry Deats would not be in attendance, and that he would relay any information back to his client. President Schmidt indicated that Mr. Deats' application was denied due to lack of information and documentation from Mr. Deats. Mr. Pelham indicated he may seek an evidentiary hearing if a compromise cannot be reached. Mr. Porsborg inquired of Mr. Pelham of facts that he believes may be missing. Mr. Pelham indicated that Mr. Deats' Alaska time should be counted. Mr. Porsborg indicated that an authority having jurisdiction is not equivalent to a North Dakota electrical inspector.

At 10:30 a.m., it was motioned by Earl Scherer and seconded by Rodney Mayer that the Board enters into Executive Session. Motion carried. Mr. Pelham and Ms. Kaufman left the meeting.

At 11:00 a.m., it was motioned by Rodney Mayer and seconded by Earl Scherer that the Executive Session ends. Motion carried. Mr. Pelham and Ms. Kaufman reentered the meeting.

Mr. Porsborg informed Mr. Deats' attorneys that the Board will accept Mr. Deats' Alaska time, however, the information from Baytown, Texas is inadequate. The Board would require Mr. Deats to provide written documentation from an official in Baytown that Baytown has similar licensing and inspection requirements to North Dakota. The official that submits this information should be on official letterhead and state their title and provide full contact information. The Board will then verify this information before the next meeting. Mr. Porsborg also indicated that in regard to Mr. Deats' Master application (assuming the Journeyman's application is approved) will require 2,000 hours of experience working as a Journeyman electrician under the supervision of a Master electrician before he is eligible. These hours must be completed in North Dakota or a jurisdiction with similar licensing and inspection requirements.

At 11:12 a.m., Mr. Pelham and Ms. Kaufman left the meeting.

At 11:15 a.m., Murray Sagsveen entered the meeting.

Mr. Sagsveen indicated that he is appearing before the Board to be a liaison between political subdivisions, the state and locals concerning the City of Minot's flood recovery process. Mr. Sagsveen also thanked the Board for its assistance in this matter. Mr. Sagsveen informed the Board that faith-based organizations have indicated that they want to help the citizens of Minot, and this involves electrical wiring. The service would be free, and no money would be exchanged. Due to lack of electricians, the City of Minot is requesting their services. Mr. Scherer questioned who assumes the liability? Ms. Glass indicated that she has received information from contracting Master electricians that their insurance company will not cover them if they certify someone else's work. Mr. Mayer suggested the possibility of fourth year apprentices under direction of a Master electrician be allowed to wire in lieu of volunteers.

Further discussion was had on the demonstration or ability to wire by these volunteers and the process of obtaining permission to wire, including testing. President Schmidt recommended a meeting among Mr. Sagsveen, Rodney Mayer, Lyle Wergeland and Richard Krause, and other interested officials, to discuss this process. Depending on the results, it was motioned by Earl Scherer and seconded by Karen Karls to impose a policy change in this emergency situation to read as follows: "In light of the emergency situation in Minot, North Dakota, the North Dakota State Electrical Board will interpret North Dakota Laws, Rules and Wiring Standards 24-02-01-19(14) to allow volunteer assistance to homeowners in qualifying for a self-wiring application." Motion carried.

Discussion was also had on the waiving of the minimum fee in the City of Minot. Ms. Glass will look into whether or not waiving the minimum fee will jeopardize reimbursements from FEMA.

At 12:30 p.m., Mr. Sagsveen and Ms. Windhorst left the meeting, and the Board recessed for a lunch break.

At 1:00 p.m., the Board reconvened.

The Board discussed their per diem rate that was revised through legislation to allow the Board to set their own amount. It was motioned by Rodney Mayer and seconded by Earl Scherer to set the per diem rate at \$150.00 per day. Motion carried.

Ms. Glass reminded the Board that effective August 1, 2011, the liability insurance limits for contracting Master electricians was raised to \$500,000, but that she doesn't believe it is a concern because most, if not all, contracting electricians do not carry less than \$1 million.

The discussion of compensatory time versus overtime pay was next. In the past, compensatory time was discouraged because employees also had vacation time to use, which would result in a lot of time being built up and possibly used by employees at the same time. Ms. Glass indicated that Office of Management and Budget allows up to 40 hours of compensatory time in lieu of overtime pay. The Board had set a policy for 24 hours, which is allowed by OMB. President Schmidt indicated that employees who incur overtime or compensatory time must have it approved by their supervisor as it is not unlimited. He also indicated that the Board needs to set and draft a policy on this issue.

In further discussion, Ms. Glass informed the Board that inspectors have been putting in a lot of overtime working in the City of Minot for flood recovery. They have also been putting in overtime in their own districts in order to catch up. Although advertised, the City of Minot has not yet hired any additional inspectors. It was motioned by Rodney Mayer and seconded by Earl Scherer that starting September 19, 2011 to keep two inspectors in the City of Minot, Richard Krause and Carl Martin, and the other inspectors to go back to their own districts. Motion carried.

Ms. Glass provided the Board with a report on publishing Board Minutes on the website. Motioned by Rodney Mayer and seconded by Earl Scherer to publish approved Board Minutes on the website starting January, 2010 to present. Motion carried.

Ms. Glass informed the Board that the Notice of Intent to Award was issued in the RFP process of approving Kathy Ibach Strategies' services. Motioned by Earl Scherer and seconded by Karen Karls to award the contract to Kathy Ibach Strategies with her service starting September 15, 2011.

Motion carried. President Schmidt directed Ms. Glass to send the contract to Kathy for review and signature.

A status report of no contact was provided by Ms. Glass on Scott Smiddy's Application for an Electrician's License.

At 1:30 p.m., Ashley Windhorst entered the meeting.

Mr. Wergeland reviewed the district reports with the Board.

President Schmidt informed the Board that he had received various calls on the Board's application for licensing process. The Board has approved at least 120 applications just in August, 2011. There was much discussion about the process. If there is any delay, the delay is getting the information back from employers or other sources to verify hours and experience to approve the application.

The Board reviewed Ron Gagliano's application. Motioned by Rodney Mayer and seconded by Earl Scherer to deny Mr. Gagliano's application for the Master exam. Motion carried.

The Board reviewed Leonard Noehre's application. The majority of Mr. Noehre's time is maintenance with the Dakota Gasification Company. Motioned by Rodney Mayer and seconded by Earl Scherer to allow 1,000 hours of maintenance time. Motion carried.

The Board reviewed the Master applications for Christopher Dunlap, Keith Beuchler, William Burkhardt, Keith Conti and Robert Nelson. Motioned by Karen Karls and seconded by Earl Scherer to deny these Master applications for exam. Motion carried.

The Board reviewed Nick Blumer's application. Motioned by Karen Karls and seconded by Earl Scherer to approve Mr. Blumer's application for the Master exam. Motion carried.

The Board reviewed David Stevenson's application. Mr. Stevenson requested that the Board reconsider reciprocity from Alaska even though it was obtained from Wyoming, which the Board no longer reciprocates with. Motioned by Karen Karls and seconded by Earl Scherer to deny Mr. Stevenson's application for a Journeyman license through reciprocity. Motion carried.

Scott Porsborg left the meeting at 2:30 p.m.

Mr. Mayer provided the Board with a report on the establishment of an education committee. Bob Wolfe of JATC has recently resigned, and JATC is in the process of hiring a new director. Barry Dutton is still willing to serve on the committee. Part of the process may require apprentices passing a field test.

Rodney Mayer motioned and Earl Scherer seconded the Board to change Richard Krause's temporary inspector position to a permanent position. Motion carried.

Mr. Wergeland informed the Board that he has received information from two inspectors interested in the District 4 position, Al Schrader and Mike Lund.

Continuing education course applications were presented involving NDSCS, MEA and JATC. Ms. Glass indicated that the course applications were classes approved based on the 2008 code, and all these providers are doing is changing it over to the 2011 code.

Ms. Glass presented the Board with expenditures on remodeling the front reception area with new desks and furniture as well as a credenza/hutch for Paula's office. Motioned by Earl Scherer and seconded by Karen Karls that the Board approve these expenditures and allow Ms. Glass to place the order and arrange this process. Motion carried.

Ashley Windhorst left the meeting at 2:50 p.m.

Ms. Glass also presented the Board with an e-mail she received from an applicant requesting the Board to reconsider reciprocity with Idaho on Master licenses. The Board only reciprocates Journeyman licenses.

Monthly vouchers and financial reports were reviewed. President Schmidt informed the Board that he had directed Ms. Glass to do some research on giving bonuses to employees.

Mr. Wergeland informed the Board of the preparation of the new exams based on the 2011 code.

There being no further business, it was motioned by Karen Karls and seconded by Earl Scherer that the meeting be adjourned. Motion carried.

The meeting adjourned at 3:15 p.m.

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James Schmidt, PRESIDENT

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Karen Karls, SECRETARY