

North Dakota State Electrical Board Minutes

November 15, 2023 Meeting

The North Dakota State Electrical Board meeting was called to order at 8:30 a.m. by President Rodney Mayer at the Electrical Board office at 1929 N. Washington St., Ste A-1, Bismarck, North Dakota. Members Present: Rodney Mayer, Paul Durbin, Gerald “Poke” Buck, and Christina Roemmich. Also Present: James Schmidt, Executive Director; Scott Porsborg, Special Assistant Attorney General; Anna Heinen; Adam Kidwell, JATC; Curt Kasper, NECA; and Clay Nagel, IBEW. Members not Present: James “Jim” Brandenburg.

Schmidt added 4 items (with handouts) to the agenda: 1) Employee; 2) 11:30 Clifford Frasca; 3) Benjamin Ewing; and 4) new Administrative Rule Proposals 22 & 23.

Roemmich moved to approve the consent agenda. Buck seconded. The motion passed unanimously.

Schmidt stated that Brandenburg was out until after 1st of the year. Schmidt also verified with the Board the meeting times set aside for certain individuals.

Paula Glass entered meeting.

Schmidt states that Glass submitted a written letter and will retire in January 19, 2024. Schmidt and Glass have discussed the option of staying on part time to continue the fiscal portion of the position.

1.d. Application of Benjamin Ewing

Ewing has submitted an application to register as an Apprentice. Ewing is currently working for Northern Valley out of Grand Forks. NDSEB discusses Ewing's criminal record. Mr. Porsborg states that the law doesn't allow the NDSEB to deny an application due to a criminal record alone. The NDSEB discussed that Apprentices need to be supervised and that the NDSEB when addressing recent violent criminal histories of apprenticeship applicants because they have to be constantly supervised. Durbin made a motion to approve Ewing's Apprentice application. Roemmich seconded. The motion passed unanimously.

6.a. 2024 Calendar

Schmidt asked for conflicts with the proposed calendar. He states that public hearing on January 10th needs to stay due to the rule that governs advertised public hearing notices. Roemmich asks that the November 27th meeting move to November 20th as people tend to travel for Thanksgiving. NDSEB agrees and November meeting is moved.

6.b. NFPA

Schmidt states that Kendrick is the enforcer on the code panel. Schmidt says the NFPA wants to create sections and if IAEE falls apart. Schmidt wants the NDSEB to be part of something and thinks they should keep an eye on NFPA. Roemmich states that NDSEB can support both until they know which supports their needs better. Schmidt talked about his attendance at the annual NFPA meeting and his presentation on NERA.

6.c. Fees

Schmidt states that the NDSEB has not lost as much money as expected since the inspection fees were changed. Per the sunset clause in our rules, the fees will now return to what they were 3 years ago. This clause is set to expire on July 1, 2024. Mr. Porsborg states that if the NDSEB chooses to extend the clause it would be easy to add during the rule change. Mayer asks to hold this discussion and come back to it later in the meeting.

7.n. MHA Tribe:

Schmidt states he has not been able to contact the MHA Chairman. NDSEB agreed we should just keep doing what we are doing. Schmidt requested to remove the agenda item from future agendas. NDSEB agrees.

7.o. Reciprocity

Schmidt has reached out to the states terminated back in 2011 (OK, AR, and NM). Schmidt also attended a convention and spoke with a reps from CT and RI that were interested in reciprocity.

7.p. Employee Handbook

Schmidt stated that security training must be completed by all employees, especially new employees, and annually thereafter. Schmidt stated that the Handbook should include this training. Roemmich made a Motion to add required security training to the employee handbook. Buck Seconded. The motion passed unanimously.

Kerri Kraft entered meeting.

7.b. ND Dept of Commerce: Kerri Kraft (present):

Kraft spoke to NDSEB regarding e-transcripts and digital credentials and how NDSEB can benefit from the services. Kraft stated there are no fees and it's not mandated. Schmidt gave Kraft NDSEB's application containing its requirements and qualifications and asked that she come back to the NDSEB at a later date and discuss if this service is really beneficial for NDSEB at this time. Mayer asked to add this agenda item to the next meeting.

Mindy Piatz entered meeting.

NDSEB took a brief recess at 10:00.

Clay Nagel leaves meeting.

Paula Glass entered meeting.

NDSEB reconvened at 10:10.

7.c. Brady Martz: Mindy Piatz (present)

(See handout) Piatz explains audit findings without substantial change from years past. No other questions from the NDSEB.

Paula Glass and Mindy Piatz leave meeting.

7.a. Joshua DeFoe

Defoe requested to appear before the NDSEB regarding his violation of unsupervised apprentices at his job site. Defoe didn't show. Mayer asked that this line item be removed unless Defoe requests to appear again.

7.l. Investments

Schmidt is waiting on information from the bank on the 3rd CDAR. Schmidt states everything else is in order.

7.m. Labor Commissioner

Schmidt advises the NDSEB that he was asked to be on the advisory board. These are monthly meetings to develop a questionnaire for 46 state agencies to improve the application turn-around time to 3 days.

6.c. Fees (continued)

Schmidt made new handout to discuss the NDSEB's reserves. Mayer asks the NDSEB if they would like to extend the sunset clause for another year or let it play out. Mr. Porsborg discusses the parameters of having cash on hand and how the state requested the NDSEB decrease its money to 18 months of operating expenses and the NDSEB told them it needed at least 3 years. The Board has decreased its money substantially in the last three years. All Board members agree to let the clause expire.

7.h. Education Committee

Schmidt and Mr. Porsborg discussed this line item and agreed that it needed to be moved into Administrative Rules – item 7.g.

7.i. Reporting System

Schmidt states that there is nothing new to add. Schmidt requests to leave the line item on the agenda for January's meeting.

7.j. Professional Licensing Board

Schmidt explained that the seminar was canceled and is not rescheduled at this time. Mayer asked that this line item be removed from the agenda.

Dustin and Amy Desjarlais entered meeting.

7.k. Exams

Schmidt discussed online exams being calculable and drawings being used. Buck suggested multiple choice drawings instead. Mayer requested to continue holding on online exams.

Jon Sayler and Paula Glass entered meeting.

7.d. Dustin Desjarlais (present)

Schmidt asked Desjarlais if all corrections were completed by November 1st deadline, Desjarlais said yes. Sayler hands out his reinspection reports (see handout). Schmidt asks about a job without an electrical certificate that the homeowner and contractor states Desjarlais worked on. Desjarlais

states that “Derek” did the job, not him. Saylor continued through the correction reports and Desjarlais had excuses for each one. Saylor stated out of 22 corrections, 16 were completed and 6 were not. Desjarlais stated that he had no idea about stickers being needed for labeling. Buck made a Motion to enter Executive Session. Roemmich seconded. Motion passes unanimously.

[Entered Executive Session at 11:10 a.m.]

The Board reconvened at 11:33. Mr. Porsborg explained the Board’s decision to issue another Informal Disposition and Probation Agreement regarding Desjarlais’s licensure status. Mr. Porsborg reads out the conditions of the agreement and Desjarlais agrees. Desjarlais confirmed he needs to attend the January 24th NDSEB meeting.

Dustin Desjarlais and Amy leave the meeting.

Jon Saylor leaves the meeting.

Clay Nagel entered meeting.

Mike Craft entered meeting.

Adam Kidwell leaves meeting.

7.e. Mike Craft

Schmidt told the Board that Craft has requested to appear before the NDSEB to request renewal of his Contracting Master’s Electricians License. Craft has no outstanding corrections, no administrative fees due, has his insurance information, and has his updated Contractor’s paperwork. Mayer asked why Craft let his license expire and he stated that he was having issues with the bank and needed to shut things down for a while. Durbin made a Motion to reinstate Craft’s Contracting Master’s Electrician’s License. Roemmich seconded. Motion passed unanimously.

Mike Craft and Paula Glass leave the meeting.

1.c. Clifford Frasca (present via telephone)

Mayer calls Frasca regarding his appeal of the denial of his journeyman application. Schmidt states that Frasca has enough hours and currently holds a Journeyman’s license from South Carolina, which is not a similar jurisdiction so Frasca would have to take the placement exam. Frasca states that he has 17 years of electrical work experience and 3 years ago completed the Journeyman’s exam and with moving to North Dakota he isn’t looking to start over at the bottom. Frasca currently lives in Dickinson and has been working as an apprentice since June 2023. Frasca states that South Carolina electrical codes are stricter than those in North Dakota due to hurricanes and earthquakes. Durbin asked Schmidt if Frasca can take the placement exam, and if he passes, could he turn around and take the journeyman’s exam right away? To which Schmidt responds “yes”. Mayer asked Frasca a few electrical questions. Durbin makes a Motion to invite Clifford Frasca to take the placement exam. Buck Seconds. Motion passes unanimously. Schmidt explains the process of the North Dakota Placement test and journeyman’s exam to Frasca and asks that he call the office tomorrow to arrange.

NDSEB took a recess at 12:01.

NDSEB back in session at 12:13.

Paula Glass enters the meeting.

7.f. William Paul (not present)

Mr. Porsborg gave a brief procedure update on Paul stating only that NDSEB went formal with Paul and there is a prehearing on Friday to arrange an administrative hearing.

7.g. Administrative Rules

Schmidt explains proposal #22 is to amend page 25 paragraph 2 of the laws and rules regarding the PEP Program. Schmidt stated that it is coming across the agenda again because the NDSEB didn't have enough time for a proper Notice of the public hearing.

Schmidt explains Proposal #23 is to add an exception to Section 24.1-06-02-20. Buck Makes a Motion to advance Proposals #22 and #23. Roemmich seconds. Motion passes unanimously.

Paula Glass leaves the meeting.

Inspectors Doug, Scott, and Jon Sayler enter the meeting.

Doug talks about the incoming certificates are above the 5-year average, which is good. Bismarck has 13 active self-wire certificates. MHA has 39 active certs. Doug states that there is a new casino in progress by White Sheild and that will bring in a surplus of certs. Doug states that currently North Dakota has 8,682 active certs with 329 being self-wires. Doug also says that there have been 100 violations this year of late wiring certificate.

Scott discusses his C.U. Classes. He states he has completed 10 of the 16 classes for this year with the class sizes ranging from 50-103 participants. Scott says the comment cards are good. Scott talked about attending job fairs to get the word out about electrical careers and currently attending "walk into my future" at the YMCA in Fargo.

Jon Sayler talked about the job fairs and that they had approximately 435 people stop at their booths. He discussed "marketplace" for kids and attending training in Minot for CEU Credits. Jon stated he was busy reinspecting corrections on jobs for William Paul and Dustin Desjarlais.

Inspectors Doug, Scott, and Jon Sayler leave the meeting.

Schmidt discusses Paula Glass' retirement and the need to hire for the position. NDSEB discusses getting a job description together and getting a job posting out there. NDSEB talked about an interview panel and closing date for applications. Durbin Makes a motion to give hiring authority to the Executive Director, James Schmidt. Roemmich seconds. Motion passes unanimously.

Roemmich makes a motion to adjourn NDSEB Meeting. Buck seconds, Motion passes unanimously.

Next meeting January 10, 2024, Public Hearing with regular board meeting to follow. January 24, 2024, board meeting also for January.

The Board adjourned at 1:11 p.m.

Date _____

Date _____

Rodney Mayer, President

Paul Durbin, Secretary