

NORTH DAKOTA STATE ELECTRICAL BOARD MINUTES

Wednesday, September 17, 2014

The North Dakota State Electrical Board meeting was called to order at 8:32 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 added Board's clarification of AC cable and MC cable and the Board's intent when changing the administrative rule; additional agenda item added for education and compliance updates by Scott Halle; and a question posed by Ben Koppelman on Board per diem and travel. Rodney Mayer added he has a high voltage question and electrical inspector communication with other parties. There being no further Agenda items, it was motioned by Ben Koppelman and seconded by Karen Karls that the Agenda, as amended, be approved. Motion carried.

President Scherer asked for any comments on the Consent Agenda items. Motioned by Karen Karls and seconded by Ben Koppelman to approve the Consent Agenda items. Motion carried.

Ben Koppelman inquired of and reviewed with the Board its reimbursement policy on per diem and travel expenses when it occurs at the same time with legislative duties and Legislative Council's policy.

The Board revisited its current exam waiting period from previous policies. Currently, the policy is based on the score of the applicant's first writing as to whether they wait 3, 6 or 12 months. It was motioned by Rodney Mayer and seconded by Kyle Miller to implement a new policy based on score alone, which would allow an applicant with a score of 50 to 69 having to wait three (3) months, and an applicant with a score below 50 to wait six (6) months. Motion carried. Emphasis added:

APPLICANT'S SCORE	EXAM WAITING PERIOD
50 to 69	Three (3) Months
49 and Below	Six (6) Months

At 8:55 a.m., Lyle Wergeland, Director of Inspections, entered the meeting.

Mr. Schmidt inquired of the Board's clarification and its intent of MC cable when it adopted the new administrative rule 24-02-01-03(6). The intent is the use of MC cable is approved, and not AC cable.

At 9:05 a.m., Than Soulinthong entered the meeting.

At 9:10 a.m., Lyle Wergeland left the meeting.

A provider that submits an application for approval of its continuing education course was discussed. The current policy of approving no less than four (4) hours per course was reviewed and determined to remain in place. Further discussion took place concerning what to consider for non-code credit, such as NFPA 70E , OSHA, etc. Mr. Schmidt will present at the next Board meeting a list of possible non-code credit classes for discussion.

At 9:20 a.m., Steve Krause and Aaron Halme entered the meeting.

Mr. Schmidt provided a summary of the NERA meeting held in Austin, TX in August, 2014, in which Earl Scherer, Paula Glass and James Schmidt attended. The revised NERA By-Laws were also adopted at the meeting.

The Board reviewed the proposed Board meeting dates for 2015. It was motioned by Ben Koppelman and seconded by Rodney Mayer to accept the proposed dates, with the exception of moving the July, 2015 date to July 14, 2015. Motion carried.

An update to Marcus Hight's Application for a Journeyman License was provided.

Mr. Schmidt presented the Board with a proposed revised Reciprocal Agreement with the State of Wyoming for Journeyman licenses. President Earl Scherer will now sign the Agreement based on our changes being made, and will become effective September 17, 2014.

Mr. Schmidt indicated that in the past the Board paid the expenses/wages for the Director of Inspections and Executive Director to attend the Western Section IAEL as representatives of the North Dakota Chapter IAEL. Mitch Feininger, NDSEB Electrical Inspector, is now the representative for the local chapter, will he receive the same considerations? Motioned by Karen Karls and seconded by Rodney Mayer to approve payment of Mr. Feininger's regular wages instead of taking vacation and reimburse per diem expenses. Motion carried.

At 9:50 a.m., Scott Porsborg, Special Assistant Attorney General, and Lyle Wergeland entered the meeting.

Mr. Schmidt referenced the Lease that was entered into for a Watford City apartment to house Leo Floer and Mitch Feininger.

At 9:55 a.m., the Board recessed for a short break.

At 10:05 a.m., the Board reconvened.

Mr. Schmidt and Paula Glass reviewed with the Board a summary of events that transpired concerning Steve Krause and Aaron Halme (under the firm name of Aster Electric). Some of those events included finding unsupervised apprentices and/or out-of ratios on several occasions in a short timeframe. Also, the matter involving our electrical inspectors finding jobs where there was no issuance of wiring certificates. Steve Krause, owner of Aster Electric, informed the Board that mistakes were made in his interpretation of who needed to be registered and/or licensed in the State of North Dakota. Aaron Halme stated that jobs have been downsized in order to handle the overload, and that he is more actively engaged in supervising jobs and the wiring certificates being issued. Ms. Glass informed the Board that Leo Floer, Electrical Inspector, had given Aster Electric time to get the approximately 30 late wiring certificates issued, however, without this being done, Mr. Floer recommended assessment of administrative fees.

At 10:30 a.m., Leo Floer telephonically entered the meeting.

Mr. Floer attested that it appears Aster Electric has made some improvements in their work and have not been found in violation of ratios. After further discussion and acceptance by Aaron Halme,

it was motioned by Ben Koppelman and seconded by Karen Karls that in lieu of formal action, that Aaron Halme will voluntarily agree to be on probation for one year; attend a contractor orientation session at the NDSEB office, with an invite to Steve Krause; and pay administrative fees totaling \$727.00 within 30 days. Motion carried. Attorney Porsborg will draft the Probation Agreement.

At 10:45 a.m., Aaron Halme and Steve Krause left the meeting.

An applicant's electrical work experience was discussed in which more clarification is needed as to what constitutes the "similar rules" requirement to North Dakota's work experience criteria. Mr. Schmidt provided an example of a jurisdiction that has electrical inspections, wiring certificates/permits and an electrician is required to have 4,000 hours experience to test for a license. Would this applicant fit into North Dakota rules of "similar" if the applicant had worked the additional hours to meet our requirement of 8,000 hours for a Journeyman and 10,000 hours for a Master? The Board determined that this particular scenario would be acceptable, but would still be required to be reviewed on a case-by-case basis and left to the discretion of the NDSEB staff.

After more discussion, it was motioned by Ben Koppelman and seconded by Karen Karls to allow the NDSEB office staff to have discretion when reviewing applications involving "similar" work experience and jurisdictions for licensing and testing purposes. Motion carried.

Almond Graham, Item 4(d) of the Agenda, did not appear.

An update on Allen Jenkins and Terry Packer (Cougar Electric) matter was provided. Certified letters have been mailed to affected property owners to hire a North Dakota Master electrician to fix the code violations left by Cougar Electric by November 4, 2014. Ms. Glass reiterated to the Board that the Undertaking Fund only allows up to \$5,000 in this matter. At this time, the projected inspection fees on remaining unpaid wiring certificates totaled approximately \$2,900.00, which the Undertaking Fund could be utilized for this. Lyle Wergeland reported that Lance Litchy of Midwest Electric agreed to complete some of the code violations.

After further discussion, it was determined that this matter will be tabled until the next Board meeting to allow sufficient time to determine the status of property owners getting the code violations corrected before any Undertaking funds are used.

Further discussion ensued by Rodney Mayer suggesting revising the Undertaking Fund limits and/or requiring a bond. Attorney Porsborg advised that statutory approval would need to be sought. Mr. Koppelman may look at proposing a bill to deal with this in the 2015 legislative session. Mr. Schmidt will check with the NERA states to see what they are doing in similar cases.

Mr. Schmidt provided the Board with an update on the Harvey Flour Mill situation.

Ruben Mancha, Item 4(g) of the Agenda, entered the meeting room, however, left shortly thereafter, and did not make an appearance.

The Board invited Than Soulinthong to the table to explain his unscheduled appearance. Mr. Soulinthong explained that he had applied for a Journeyman license, but was denied due to most of his work experience being in states that do not regulate similar rules as North Dakota. He informed the Board of his work experience as a traveling industrial electrician. Mr. Soulinthong had indicated he has work experience in similar states, but just didn't get the verifications. Mr. Schmidt informed Mr. Soulinthong that since the Board did not have the opportunity to review his case due

to the unscheduled appearance that Mr. Soulinthong was directed to gather the additional information and would be scheduled for the next Board meeting.

Attorney Porsborg provided the Board with an update on the Steve Witt / J Hill Electric matter. In conversations with Mr. Witt's attorney, J Hill is selling assets on September 24, 2014 and is dealing with Peak Electric to perform Mr. Witt's corrections on various jobs. Mr. Witt and his attorney will be invited to the next Board meeting to obtain a status of this matter.

Ben Koppelman inquired of Attorney Porsborg the law and/or rules concerning the Board being the authority having jurisdiction and the adoption of the 2014 NEC and cities having their own inspection code enforcements. Attorney Porsborg stated that according to 43-09-21, entities can be more stringent in code enforcement, but not less.

At 1:05 p.m., the Board recessed for a short break.

At 1:15 p.m., the Board reconvened.

Lyle Wergeland reviewed the district reports, and future direction of inspectors, including advertising for additional inspectors.

Rodney Mayer inquired of Mr. Wergeland the communication process between the electrical inspectors and contractors.

Mr. Mayer also questioned Mr. Wergeland on hi-voltage cable and submersible pumps.

At 1:50 p.m., Scott Halle, Training and Compliance Administrator, entered the meeting. Mr. Halle gave a synopsis of his job duties since starting July 1st.

There being no further business, it was motioned by Ben Koppelman and seconded by Kyle Miller to adjourn the meeting. The meeting was adjourned at 2:10 p.m.

Date

Date

Earl Scherer, PRESIDENT

Karen Karls, SECRETARY