

North Dakota State Electrical Board Minutes

September 13, 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, James “Jim” Brandenburg, 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; Clay Nagel, IBEW; and Don Iverson, Schneider Electric.

Schmidt added 6 items (with handouts) to the agenda: 1) Javier Arrendondo; 2) Labor Commissioner; 3) Brady Martz; 4) SAAG; 5) CDAR/MMD; 6) Brady Nelson.

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

MHA Tribe:

Schmidt states Orin Grinnell has left his position with the Tribe and asked whether the NDESB should continue with considering requests for inspections on a per job basis. Roemmich stated to keep it simple and work on building a relationship. Brandenburg stated that MHA wants trust and communication. Schmidt stated that the NDSEB has done a lot of good with licensure and that Orin appreciated it at the Tribe. Required licensure and regular inspections will happen as needed. Durbin asked about NDSEB collecting fees on the reservation and Schmidt stated the certificates inspected by the tribes inspector fees are disbursed similar to city’s fees. Mayer asked to keep it on the agenda and to keep talking about it.

Paula Glass entered meeting

Angel Villalobos (present):

Schmidt explained Villalobos applied for a North Dakota apprenticeship. Villalobos committed a federal offense in 2020. He was sentenced to 21 months but only did 14. He was released in April 2023 and is currently on supervised probation. Mayer asked if Villalobos has any documentation from his parole officer regarding this application. Schmidt stated that the Parole office wrote a letter to the Board and it is in the agenda materials. He also stated that Villalobos is on supervised probation for 3 years and his felony was not violent - Conspiracy to Transport Illegal Aliens. Roemmich stated that she believes Villalobos is in good standing and would move to agree application for apprenticeship. Durbin asked about his residency and having a ND address. Villalobos stated yes lives in ND. Roemmich moved to allow Villalobos to apply for Apprenticeship in North Dakota. Brandenburg seconded. The motion passed unanimously.

William Paul (present):

Schmidt explained that Paul owns Willy’s Electric in Velva. Paul’s license expired in April 30, 2022 with a Cease and Desist letter sent mid May 2022. Paul was recently caught doing 2 jobs without licensure. Paul has no continuing education, no updated insurance documents, and no corrections dating back to 2020. Paul also has outstanding administrative fees. Paul stated that he has given his continuing education paperwork to the board office. Paul acknowledged his late

reapplication. Doug Grinde, Josh Dahl, and Rich Krause all stated communication issues with Paul – unanswered calls, no returned voicemails, snarky comments. Mayer noted that emails from Paul to NDSEB were condescending, electrical rules weren't being followed by Paul, and pricing in Paul's certificates was off by large amounts. Roemmich moved to enter executive session. Brandenburg seconded. The motion passed unanimously.

[Entered Executive Session at 9:17]

The Board reconvened at 9:37. Porsborg explained that the Board will vote on Paul's licensure status. Paul asked to speak again. Paul states that he notes inspections are not done timely with some being 1.5 years after job completion. Josh Dahl corrected Paul on the timing of when inspections were completed within 2 months. Roemmich makes a motion to revoke William Paul's Contracting Master's Electrician's license. Brandenburg Seconds. The motion passed unanimously. Porsborg explains to Paul the administrative complaint process.

Dustin Desjarlais and Amy entered the meeting.

Reporting System:

Schmidt has visited with Prominent and IMS and is seeking other vendors to provide a reporting system solution.

Education Committee:

Schmidt discussed Christian Opp leaving the committee. Opp's appointment would have ended at year end and asked the Board to replace him. Robert Zacharias submitted an application. The Board discussed appointing him for January 1st start date. Buck made a Motion to appoint Zacharias to the Education Board effective January 1st, 2024. Roemmich Seconded. The motion passed unanimously.

Kelly Holst entered the meeting.

Placement Exam:

Schmidt explains the placement exam to the Board. Schmidt states several Red Seal Electricians from Canada have inquired about submitting applications for licensure in North Dakota. Schmidt asked the Board for its thoughts on allowing them to take the placement exam. Schmidt did explain that no Red Seal has applied at this time. Durbin asked about the requirements to take the exam. Brandenburg asked about the applications to test. Mayer stated that placement exams should be handled by Schmidt and NDSEB. Buck made a Motion to allow Schmidt to consider Red Seal Applications for the Placement Exam. Brandenburg Seconds. The motion passed unanimously.

The Board took a brief recess at 9:54.

The Board reconvened at 10:10. Joel Baarstad entered meeting.

Dustin Desjarlais (present):

Schmidt explained Desjarlais' license expired in April 2023 and his insurance ended August 24, 2023. Desjarlais has 23 active jobs that need completing, 16 outstanding violations, and 14

certificates with outstanding admin fees. Desjarlais stated that he has been having health issues and this has made it hard. He also talked about bad employees and just last winter he started doing jobs alone and work got to be too much. Jon Sayler (NDSEB inspector) said that Desjarlais had mentioned getting another contractor brought in to help but nothing has happened yet. Desjarlais stated that some jobs are done and he just needs to pay the fees. Desjarlais states he is in communication with Jon. Schmidt talked about Desjarlais leaving customers hanging and them having to correct violations themselves or having to find new contractors to get the work completed. Schmidt states that NDSEB shouldn't have to project manage jobs for Desjarlais. Roemmich asked about Desjarlais' Continuing Education (Paula stated this is current). Brandenburg asking about updated insurance information (Desjarlais states that he can get that to NDSEB asap). Roemmich asked Desjarlais why he let his license expire and he stated he has had recent health issues. Desjarlais talked about his other employment endeavors with spray foam and generator work. Brandenburg asked how much electrical work Desjarlais does and he stated 60% of his work is electrical in nature. Desjarlais showed remorse for his past actions. Durbin asked about Desjarlais' ability to update insurance information and make outstanding corrections (Desjarlais said yes but just needed time). Kelli Holst spoke about the job she had paid Desjarlais to do on her property. She requested reimbursement and that Desjarlais not be allowed back on her property. Mayer asked Desjarlais about his job and licensing history. Desjarlais explained having no schooling. He passed the Journeyman license on the second try and his Masters license in 2016. Durbin moved to enter executive session. Buck seconded. The motion passed unanimously.

[Entered Executive Session at 10:35]

The Board reconvened at 11:00. Porsborg explains that the Board chose to offer an Informal Disposition and Probation Agreement. The terms of the agreement being that the Board will not renew his license at this time; if renewed, it will be on probationary status for 24 months; he must communicate promptly with NDSEB; he must submit a current certificate of insurance to the NDSEB and pay all fees by Friday, September 15; he must complete all outstanding corrections before November 1st; and he must appear at the November 15th Board Meeting to determine the future status of his license.

Joel Baarstad (present):

Schmidt explained Baarstad is here today for reinspection violations. Baarstad's contractor's license had expired, he had outstanding corrections, and he had overdue administrative fees. Baarstad then renewed his license, told NDSEB that he had completed all corrections, and paid his fees but when the work was re-inspected, they found that the corrections were not made. Baarstad said that his coworker has been having family health issues and it has left Baarstad short-handed. Baarstad reiterates that all corrections have been completed now. Schmidt told Baarstad that NDSEB needs communication. He told him that correction deadlines can be extended and all he had to do was call. Buck stated that trust is a big thing and easy to do. Durbin mentioned that Trust is everything and not to do these violations again. Roemmich talked about doing the right thing, not just for himself but for the customers and community members. Mayer dismissed Baarstad.

Mike Craft (not present):

Schmidt explained that Craft has let his license and insurance expire. He also has \$750 in outstanding administrative fees. Craft had 8 outstanding corrections to be made and currently has

2 remaining (and associated fees). Schmidt wants the Board to discuss renewal of Craft. Buck made a Motion that Craft must appear before the Board to renew his license in the future. Roemmich seconded. The motion passed unanimously.

Neil Yusella (not present):

Schmidt explained that Yusella has let his license and insurance expire. He has no continued education and has been nonresponsive with NDSEB. Yusella's employer made corrections on behalf of Yusella. Buck made a Motion that Yusella must appear before the Board to renew his license in the future. Roemmich seconded. The motion passed unanimously.

Michael Ricco (not present):

Schmidt explained that Ricco had requested eligibility from the NDSEB on applying for an North Dakota Journeyman Electrician's license. Ricco is currently incarcerated in Virginia on a felony conviction and he is not close to his release date. Roemmich stated that consideration has never been allowed while still incarcerated. Mayer requested that Porsborg draft a letter and send to Schmidt for service from the NDSEB.

USDOL:

Schmidt stated that NDSEB received an email from Brenda Zastoupil with the ND University System asking the Board if it wished to be qualified for a scholarship program. This was based on the misunderstanding that the Board administers its own apprenticeship related training programs. DOL's Barry Dutton responded to all parties in the email and was critical and personal about the NDSEB. Schmidt and Porsborg put together a response to Dutton's superiors.

NERA:

Schmidt explained his attendance at the NERA meeting and the information gathered. Schmidt asked the Board its thoughts about a national exam to license individuals, using the 2023 code. Schmidt stated that North Dakota can still have its own testing as well. Schmidt talked about NASCLA and its development of a national exam. Schmidt talked about PSI, a proctoring company with online and in-person proctoring services. Schmidt thinks at some point we will need to bring NDSEB's testing process into the new age. Schmidt discussed concerns with a national test and a proctoring company. Roemmich stated that online testing should be explored. Schmidt offered to look into costs and asked the Board if North Dakota's exam questions need to be reviewed. Buck asked about Montana's steps for testing and if we can do what they do. Mayer stated the discussion was a good one to have and to table the discussion until Schmidt can research more.

Joshua Defoe (not present):

Schmidt explained that Defoe had an out of ratio violation (4 apprentice to 1 journeyman). Defoe was assessed administrative fees and asked to appear before the Board. Cease and Desist letters were sent to all of the out-of-ratio apprentices and no one contacted NDSEB. Mayer asked if an Informal Disposition was appropriate at this time. Roemmich asked that NDSEB request an apprenticeship roster from the company (Expanse Electric). Mayer requested that a new letter be sent requiring that Defoe appear before the Board.

At 12:23 the Board took a brief recess.

The Board reconvened at 12:40.

Javier Arrendondo (not present):

Schmidt explained that NDSEB had received an email from Wescom that Arrendondo applied there by using a doctored screen-shot Journeyman license number from the NDSEB website. Schmidt explained Arrendondo had used an expired ND Journeyman's license number from an individual who was from South Dakota. Schmidt explained that Arrendondo's actions were tampering with public records. Brandenburg asked the NDSEB flag the name and license number to ensure Arrendondo does not attempt this again.

Labor Commissioner:

Schmidt stated the letter from the Labor Commissioner was sent to all agencies regarding the interim study being done on all agencies' licensure procedures.

Brady Martz:

Schmidt explained the biannual audit being handled by Brady Martz. Brady Martz will report to the Board once its audit is complete.

CDARs & DDA's:

Schmidt explained the NDSEB's investments via handout. Schmidt stated he would like the boards goal for the education fund to be self-sustaining through yearly interest returns.

Brady Nelson:

Schmidt stated that Nelson did not appear at the board meeting. The Board discussed the situation.

Admin Rules:

Schmidt read the proposed changes to the admin rules. Buck made a Motion to approve the rules for which no comment was received – namely proposals #1-6, #8-14, #16, #18, and #20-22. Brandenburg Seconded. The motion passed unanimously.

Proposed Admin Rule #7:

Schmidt explained the modification of #6 on Pg. 39 regarding aluminum conductors, to add copper clad aluminum conductors. Schmidt stated that now the NDSEB inspects Class II and III circuits in classified locations, this proposal needs to be addressed. NDSEB received an email and documents from Peter Graser opposing the proposed admin rule. The Board reviewed Graser's comments and all attachments. Schmidt stated the strong consensus in the electrical industry and provided documentation that using aluminum clad conductors residential branch circuits is not as safe as requiring copper. After discussion, Buck made a Motion to proposal #7R as written. Durbin seconded. The motion passed unanimously.

Proposed Admin Rule #15:

Schmidt explained the modification to state that GFCI not be required for refrigeration appliances on a single receptacle. Durbin made a comment on not needing a GFCI on your sump pump and this is similar Brandenburg mentioned electricians put in GFCI and once inspected the building owners change out the outlet to a single receptacle. Roemmich defers to the experts in the room.

Mayer stated that he can go either way on this proposal. Durbin made a Motion to approve proposal #15 as written. Brandenburg seconded. The motion passed unanimously.

Doug Grinde enters meeting.

Proposed Admin Rule #17:

Schmidt explained the modification to include surge protectors on feeders as well as service. Grinde said they are getting a lot of push back from builders due to costs associated with this recent change in the NEC. Staff believes surge suppressors should be either on the feeder or on the service, but not to double up. Brandenburg asked how many buildings have panels per room and that he can go either way. Durbin made a Motion to approve proposal #17 as written. Buck seconded. The motion passed unanimously.

Proposed Admin Rule #19:

Schmidt explained the modification to delete wording that no longer is applicable. Buck made a Motion to approve proposal #19 as written. Durbin seconded. The motion passed unanimously.

Schmidt mentioned that the Proposed Admin Rule Changes will go to the AG's office, then to Legislative Council, and then the legislative Administrative Rules Committee.

Next board meeting will be held November 15, 2023

Roemmich makes a Motion to adjourn the meeting. Buck seconded. The motion passed unanimously.

The Board adjourned at 1:57 p.m.

Date _____

Date _____

Rodney Mayer, President

Paul Durbin, Secretary