

## **NORTH DAKOTA STATE ELECTRICAL BOARD MINUTES**

Wednesday, November 14, 2012

The North Dakota State Electrical Board meeting was called to order at 8:34 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: Karen Karls, Rodney Mayer, Ben Koppelman 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 informed the Board of additional agenda items concerning correspondence received from Mitch Feininger, to discuss quantity of inspectors, correspondence received from James Steinke regarding Rodney Laughlin, further discussion on holiday gathering, Mike Heck has been scheduled for 11:00 a.m. to appeal denial of his license application, Dakota Gasification Plant apprentices, and Ira Downs rescheduled for next Board meeting. There being no further Agenda items, it was motioned by Rodney Mayer and seconded by Ben Koppelman that the Agenda, as amended, be approved. Motion carried.

President Scherer asked for any comments on the Consent Agenda items. James Schmidt commented that most of the cease and desist orders listed on Consent Agenda were KEU Electric employees, who appeared unaware that their boss was not licensed as a contracting North Dakota Master electrician. It was motioned by Ben Koppelman and seconded by Rodney Mayer to approve the Consent Agenda items. Motion carried.

The North Dakota State Electrical Board 2012/2013 calendar was reviewed.

At 8:45 a.m., Renee Pfenning entered the meeting.

Discussion took place concerning December 5, 2012, which entailed the Board's annual gathering, and coinciding it with the Board's annual meeting with Board employees. Motioned by Karen Karls and seconded by Kyle Miller to approve and hold a Special Board Meeting on December 5, 2012. Motion carried.

Mr. Schmidt presented the Board with a history of "similar licensing and inspection rules." This issue will be later discussed with counsel present.

Paula Glass followed up with the Board on the status of the Board's computer office server.

At 8:55, Ben Koppelman left the meeting.

At the request of the State of Wyoming, discussion took place concerning reciprocity once again with the State of Wyoming. Mr. Schmidt informed the Board that he has been told that Wyoming has now hired an electrical inspector to inspect in areas not previously inspected, such as oil fields.

At 9:10 a.m., Ben Koppelman re-entered the meeting.

At the request of the Board, Mr. Schmidt tele-conferenced Bruce Trembath of the Wyoming Electrical Board.

At 9:20 a.m., Scott Porsborg, Special Assistant Attorney General, entered the meeting.

After much discussion, and the information provided by Mr. Trembath, the State of Wyoming, at this time, does not appear to have met the criteria for reciprocity, particularly concerning inspections as they do not have the manpower, even after hiring an additional inspector, to inspect all these areas. It was motioned by Rodney Mayer and seconded by Ben Koppelman to deny reciprocity at this time with the State of Wyoming. Motion carried.

The Undertaking fund was discussed next. Scott Porsborg informed the Board that there is a cap of \$5,000 for each contractor. Repayment of any monies taken from this fund needs to be paid back before a license is possibly reinstated. Funds will need to be paid out of the Undertaking fund to cover corrections made by Ebel Electric on behalf of Alex Martushev of Matrix Construction totaling \$1,903.50 and, if decided, to pay for \$150.00 of lost certificates to NDSEB. It was motioned by Ben Koppelman and Rodney Mayer to pay \$1,903.50 from the Undertaking Fund to Ebel Electric to cover their services, and if applicable, to NDSEB \$150.00 for lost certificates. Motion carried.

Mr. Schmidt reviewed with the Board that employees have generally put a contractor's license on hold only during license renewal times if they are in non-compliance on paperwork, etc. with the Board. The office staff would like the authority to put a non-compliant contractor on hold at any time during the year.

At 9:45 a.m., Kyle Miller left the meeting.

Mr. Porsborg indicated that due process will be required, and that a letter can be drafted to send to contractors informing them of their non-compliance issues and their due process. Mr. Porsborg will further research authority of Executive Director and/or office staff to do so, and will report at the next Board meeting.

At 9:50 a.m., Kyle Miller re-entered the meeting.

Mr. Schmidt read NDCC 43-09-17 concerning a journeyman's electrician's permit. Discussion took place concerning a recent individual who applied for the permit and never tested. Mr. Porsborg informed the Board that this is strictly a permit, not a license, and that it must be carried with the individual, if granted.

At 10:20 a.m., the Board recessed for a short break.

At 10:30 a.m., the Board reconvened and Danny Lowe and Mike Heck entered the meeting.

Danny Lowe presented the Board with his credentials and information concerning his experience as an electrician working in Illinois and Indiana. Mr. Lowe is currently working and registered as an apprentice in North Dakota. Ben Koppelman motioned to discuss the merits of Mr. Lowe's information in Executive Session, and Rodney Mayer seconded it. Motion carried.

At 10:45 a.m., the Board entered Executive Session, and Danny Lowe and Renee Pfenning left the meeting.

At 11:20 a.m., Ben Koppelman motioned and Karen Karls seconded to end the Executive Session. Motion carried.

Danny Lowe, Renee Pfenning and Mike Heck entered the meeting.

It was motioned by Ben Koppelman and seconded by Kyle Miller to allow Danny Lowe to take a placement exam as defined in 24-02-01-02(2)(b). Mr. Lowe will need to receive an 80 percent or higher before he would be eligible to take the North Dakota Journeyman exam. Motion carried.

The definition of "similar rules and licensing" was discussed as compared to other states. Mr. Porsborg recommended drafting a policy on how the office staff handles these issues. The Board will continue to review these issues on a case-by-case basis, and allow the individual to appear before the Board to present his/her case.

Mr. Schmidt informed the Board of the status of the Safety/Training Manager position.

Mr. Schmidt presented the Board with a continuing education certificate received from an individual serving on the NFPA 70 code-making panel. He is requesting sixteen (16) credit hours to apply towards his license. It was motioned by Kyle Miller and seconded by Ben Koppelman to approve eight (8) hours of continuing education credit for serving on the NFPA 70 panel. Motion carried.

Mike Heck presented the Board with appeal testimony concerning his electrical experience in the State of Georgia. After much discussion and reiterating similar rules and licensing, and testimony provided by Mr. Heck that apprentices are not always supervised in Georgia as well as his self-verification of hours and that he has no North Dakota experience, it was motioned by Ben Koppelman to approve Mike Heck to take the Master exam. There being no second to the motion, motioned failed.

Randsy Reed's application for a Journeyman license was presented to the Board. It was motioned by Rodney Mayer and seconded by Ben Koppelman to deny his application based on NDCC 43-09-09.1. Motion carried.

At 12:30 p.m., the Board recessed for a short break.

At 12:45 p.m., the Board convened.

Mr. Schmidt informed the Board that there are going to be revisions to the Employee Handbook. On December 5, 2012, the employees will be meeting, along with Kathy Ibach, to discuss the handbook. Pursuant to Ben Koppelman's inquiry, Mr. Porsborg informed the Board that if the Board wants to meet with employees concerning the handbook, this can be done at the Special Board Meeting concerning this specific topic.

Mr. Schmidt reported that the North Dakota State Electrical Board's administrative rule change concerning Master and Class B electricians has been approved by the Attorney General's office, and is now with the Legislative Council.

The Board discussed the NDBOA (North Dakota Building Officials Association) law change proposal.

The Board received a disability exam accommodation request from James Powell. The Board reviewed its accommodation policy and documentation received from Mr. Powell. It was motioned by Rodney Mayer and seconded by Kyle Miller to deny Mr. Powell's request due to lack of documentation. Motion carried.

At 2:00 p.m., Lyle Wergeland entered the meeting.

Mr. Schmidt presented to the Board a letter he received from James Steinke concerning Rodney Laughlin obtaining his Master license in North Dakota. Mr. Laughlin will need to provide this request on his own behalf.

An e-mail from Mitch Feininger was presented to the Board. James Schmidt, Earl Scherer and Kathy Ibach will address this matter.

At 2:30 p.m., Scott Porsborg left the meeting.

Lyle Wergeland reported on the Western Section IAEI Meeting in Arkansas.

Mr. Wergeland distributed inspector district reports, and indicated the need for more inspectors. Mr. Schmidt suggested hiring two (2) roaming inspectors. Motioned by Rodney Mayer and seconded by Kyle Miller to authorize James Schmidt and Lyle Wergeland to advertise for two (2) additional inspectors. Motion carried.

Mr. Wergeland informed the Board that Dan Pillar of Dakota Gasification Plant is giving us the opportunity to tour the plant and visit with the Board on tracking apprenticeship hours for experience credit.

Mr. Wergeland presented the Board with an e-mail from Mitch Feininger requesting board approval to take a second job. Seeing no conflict of interest, the Board approved his request.

There being no further business, it was motioned by Rodney Mayer and seconded by Ben Koppelman that the meeting be adjourned. Motion carried.

The meeting adjourned at 3:15 p.m.

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Date

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Earl Scherer, PRESIDENT

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Date

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Karen Karls, SECRETARY