

NORTH DAKOTA STATE ELECTRICAL BOARD MINUTES

Wednesday, March 13, 2013

The North Dakota State Electrical Board meeting was called to order at 8:35 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 and Kyle Miller. Also present: James Schmidt, Executive Director; and Paula Glass, Office Manager. Members absent: Karen Karls and Ben Koppelman.

President Scherer asked for further Agenda items to appear at this meeting. Mr. Schmidt informed the Board of additional agenda items consisting of a preliminary budget, proposed administrative rule changes, Executive Order issued concerning Minot volunteer electricians, and Ron Martin's Journeyman's license request. There being no further Agenda items, it was motioned by Kyle Miller and seconded by Rodney Mayer that the Agenda, as amended, be approved. Motion carried.

President Scherer asked for any comments on the Consent Agenda items. Discussion took place on the proposed preliminary budget. It was motioned by Kyle Miller and seconded by Rodney Mayer to approve the Consent Agenda items. Motion carried.

At 8:45 a.m., Ed Therriault, Safety/Training Director, entered the meeting.

Mr. Schmidt initiated discussion concerning an Education Committee and duties associated with this committee. Mr. Schmidt also indicated that there is voluntary membership interest from outside parties. It was proposed to reimburse volunteers for travel expenses. Mr. Therriault provided a synopsis of the preparation for the Board's new upcoming monthly continuing education classes, with the inclusion of specialty classes.

Discussion took place concerning the Board setting a policy on tuition reimbursement, which was tabled until the next regular meeting.

Mr. Schmidt informed the Board of a concern that some states are not on the current National Electrical Code and how it affects our reciprocity agreement. Mr. Schmidt was directed to address this matter at the next NERA meeting.

Mr. Schmidt asked the Board to define a policy on the issuance of temporary journeyman permits, particularly on the timeframe between the issuance of the permit and taking the exam.

At 9:10 a.m., Scott Porsborg, Special Assistant Attorney General, entered the meeting.

Attorney Porsborg defined NDCC 43-09-17, and indicated issuance is at the Board's discretion. Motioned by Rodney Mayer and seconded by Kyle Miller that the timeframe between issuance of a journeyman permit and taking the exam not to exceed sixty (60) days. Motion carried.

Rodney Laughlin obtaining his Master license back was discussed, which expired in 1998. Motioned by Rodney Mayer and seconded by Kyle Miller to allow Rodney Laughlin re-exam for the Master license and forgive Undertaking reimbursement due to time lapse. Motion carried.

The Board reviewed 2014 administrative rule process, and will review administrative rule proposals at the May, 2013 meeting.

Mr. Schmidt provided an update on the contracting Master/Class B electrician administrative rule change, which is currently with Legislative Council.

Mr. Schmidt informed the Board that the City of Fargo is advertising and/or submitted a Request for Proposal (RFP) for an electrical inspector for the Sanford Hospital project, however, the inspector would not be an employee of the City of Fargo. Mr. Schmidt indicated there was an offer made to the City of Fargo for either partial or complete electrical inspections of the Sanford Hospital project. Attorney Porsborg defined NDCC 43-09-13.2, and indicated that this matter and its legality is currently being discussed with the City of Fargo's attorney.

At 9:40 a.m., the Board recessed for a break.

At 9:50 a.m., the Board reconvened.

At 9:50 a.m., Curtis Graff, Sharon Graff, William Bergman, attorney for Mr. Graff, and Michael Lund, District 7 Inspector, entered the meeting.

Michael Lund informed the Board of what he has found on various inspection sites, including talking to owners and obtaining receipts of billings done under Mark's Electric. Mr. Graff has been issuing wiring certificates for these projects, however, Lucas Zabka is doing the work and processing the billings to the owners. Attorney Porsborg cites and defines NDCC 43-09-20, 24-02-01-02(2) and (3). Attorney Porsborg also cites and defines NDCC 43-09-15 concerning denial, suspension or revocation of a license. After discussion, Mr. Graff informed the Board that he was only trying to help out his employee, Mr. Zabka, in his current situation. Motioned by Rodney Mayer and seconded by Kyle Miller to enter into Executive Session. Motion carried. Curtis Graff, Sharon Graff and William Bergman left the meeting.

At 10:17 a.m., the Board entered into Executive Session.

At 10:35 a.m., Kyle Miller motioned and Rodney Mayer seconded to end Executive Session. Motion carried. Curtis Graff, Sharon Graff and William Bergman entered the meeting.

Motioned by Kyle Miller and seconded by Rodney Mayer to table this matter until the May, 2013 Board meeting to further review this matter, and request that Curtis Graff appear at the May, 2013 Board meeting. Motion carried.

At 10:38 a.m., Curtis Graff, Sharon Graff, William Bergman and Michael Lund left the meeting

At 10:39 a.m., Arthur Hansen entered the meeting.

Mr. Hansen provided the Board with additional documentation to substantiate taking the Journeyman exam. Motioned by Kyle Miller and seconded by Rodney Mayer to enter into Executive Session. Motion carried. Arthur Hansen left the meeting.

At 10:42 a.m., the Board entered into Executive Session.

At 10:45 a.m., Rodney Mayer motioned and Kyle Miller seconded to end Executive Session. Motion carried. Arthur Hansen entered the meeting.

Motioned by Rodney Mayer and seconded by Kyle Miller to approve Mr. Hansen's Application for a Journeyman License and approve him to take the Journeyman exam. Motion carried.

At 11:00 a.m., Arthur Hansen left the meeting, and Wally Pletcher, Warren Walhaug of Hess Corporation entered the meeting, along with Tony Gibson (MMR Group), Scott Wright (Hess), and Brian Ahlefeld.

Warren Walhaug informed the Board he is appearing on behalf of Steve McNally of Hess Corporation. Mr. Walhaug is requesting that the Board relax the ratio of licensed electricians to apprentices for a particular contracted project in which they are behind in schedule due to manpower and the availability of licensed electricians. Attorney Porsborg informed the Board that the Board has discretion, however, it may jeopardize or impact other operations.

At 11:25 a.m., Lyle Wergeland entered the meeting through a telephonic conference call. Discussion took place concerning going to site and checking out project. Also, Mr. Walhaug explained that most of the project involved low voltage wiring, including cable pulling. Based on the information provided, the Board maintains the current rule on ratio.

At 11:30 a.m., Warren Walhaug, Tony Gibson, Scott Wright, and Brian Ahlefeld left the meeting.

At 11:32 a.m., the Board recessed for a break.

At 11:40 a.m., the Board reconvened, and Ashley Windhorst, Administrative Assistant, entered the meeting.

Wally Pletcher is appealing to the Board concerning denial of his Application for a Journeyman License. Mr. Pletcher provided the Board with additional documentation showing over 20,000 hours of experience. Ashley Windhorst informed the Board that the Board does not accept self-certification. Mr. Pletcher stated he is a Master electrician/contractor in the State of Michigan. Motioned by Rodney Mayer and seconded by Kyle Miller that Mr. Pletcher be allowed to take the placement exam, in which he must receive a score of 80 percent. If he passes, he will be allowed to take the Journeyman exam. He will also be required to work 2,000 hours as a Journeyman electrician in North Dakota before he can apply to take the Master exam. Motion carried.

At 11:55 a.m., Wally Pletcher, Ashley Windhorst and Paula Glass left the meeting.

At 12:35 a.m., Lucas Zabka and Paula Glass entered the meeting.

Mr. Schmidt updated the Board on Ira Downs, and David Jaeger's departure, which included the need to advertise to hire two (2) more inspectors.

Mr. Schmidt provided the Board with Andrew Klinger's request to have his exam waiting period waived. Motioned by Rodney Mayer and seconded by Kyle Miller to deny Mr. Klinger's request. Motion carried.

Mr. Schmidt apprised the Board of website changes that now include an employee and inspector access.

The time is approaching to order 2014 National Electrical Code books. After research, Mr. Schmidt informed the Board that the price of an NEC book has dramatically increased from previous years - \$25.00 to \$30.00 increase per book. More research will be done as well as quantity to be ordered.

Richard Simon is requested that continuing education credits be waived to renew his license due to his medical condition in the past year or so. Motioned by Kyle Miller and seconded by Rodney Mayer to waive the continuing education requirement for Mr. Simon for the 2013-2014 renewal. Motion carried.

At 1:00 p.m., Lucas Zabka and Michael Lund entered the meeting. Martin Kappenman entered the meeting by telephone conference.

Mr. Schmidt recapped as to why Lucas Zabka was requested to appear before the Board. Attorney Porsborg reiterated items concerning Curtis Graff and the wiring without appropriate license issue. Michael Lund also questioned Mr. Zabka on what he has found on certain jobs and information received from owners. Rodney Mayer advised Mr. Zabka to inform the Board on every aspect of his involvement with wiring and billing projects in question as well as the possibility of others. Mr. Zabka informed the Board that Curtis Graff was involved, but none of this was done intentional or intended not to follow the rules of the Board. Mr. Zabka explained his personal situation. Motioned by Rodney Mayer and seconded by Kyle Miller to enter into Executive Session. Motion carried. Lucas Zabka and Martin Kappenman left the meeting.

At 1:32 p.m., the Board entered into Executive Session.

At 1:50 p.m., Kyle Miller motioned and Scott Porsborg seconded to end Executive Session. Motion carried. Lucas Zabka and Martin Kappenman (by telephone) entered the meeting.

Motioned by Rodney Mayer and seconded by Kyle Miller to allow Lucas Zabka to renew his Journeyman license and not allow Mr. Zabka to pay for and obtain his Master license until the July, 2013 Board meeting in order to review this matter further. Mr. Zabka will be requested to provide additional information and appear at the July, 2013 Board meeting. Motion carried.

At 2:00 p.m., Lucas Zabka and Martin Kappenman left the meeting.

Mr. Schmidt reviewed the district reports with the Board. City of West Fargo is requesting inspections be done before a Certificate of Occupancy is issued. In addition to adding two (2) full-time inspectors, the Board may consider hiring a temporary inspector(s) for summer months.

Mr. Schmidt informed the Board that Governor Dalrymple signed an Executive Order extending the time period for volunteer electrician to help in the City of Minot.

Ron Martin's request to have his Journeyman license issued after the 90-day deadline to pay the annual license fee was discussed. Motioned by Rodney Mayer and seconded by Kyle Miller that upon Mr. Martin submitting a completion certificate for continuing education and the \$25.00 annual license fee, his Journeyman license shall be issued. Motion carried.

Mr. Schmidt handed out the preliminary budget.

Discussion was held on proposed employee wages for the next fiscal year (2013-2014). Motioned by Rodney Mayer and seconded by Kyle Miller to approve proposed wages. Motion carried.

There being no further business, it was motioned by Rodney Mayer and seconded by Kyle Miller to adjourn the meeting. The meeting was adjourned at 4:00 p.m.

Date

Date

Earl Scherer, PRESIDENT

Karen Karls, SECRETARY