

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

Wednesday, May 13, 2014

The North Dakota State Electrical Board meeting was called to order at 8:56 a.m. by President Earl Scherer at the law offices of Smith, Bakke, Porsborg & Schweigert, 122 East Broadway Avenue, Bismarck, N.D. Members present: Rodney Mayer, Ben Koppelman, Karen Karls and Kyle Miller. Also present: James Schmidt, Executive Director; Paula Glass, Office Manager; Ashley Windhorst, Administrative Assistant; and Scott Porsborg, Special Assistant Attorney General.

President Scherer asked for further Agenda items to appear at this meeting. Mr. Schmidt indicated that he was contacted by the North Dakota State Hospital in Jamestown, will provide an update on the administrative rules process, administration of AFCIs and receipt of an e-mail from Charles McKercher. President Scherer indicated he has a conflict with the July, 2014 Board meeting date. There being no further Agenda items, it was motioned by Ben Koppelman and seconded by Kyle Miller that the Agenda, as amended, be approved. Motion carried.

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

Mr. Schmidt presented the Board with a proposed agreement from the State of Wyoming concerning reciprocity. Portions of the proposed agreement will need to be revisited concerning its language or verbiage, and to table this matter until the next Board meeting, if applicable.

At 9:00 a.m., Kurt Coltrain entered the meeting.

Mr. Coltrain is appealing before the Board regarding denial of his Application for a Journeyman License. The majority of Mr. Coltrain's experience was in the state of Illinois and Indiana, which do not regulate similar licensing and inspection rules as the state of North Dakota. Mr. Coltrain described to the Board his experience and education history, which includes working for various contractors and industrial plants, holding various safety credentials, such as OSHA, etc. A concern of the Board was that the majority of his experience was very short-termed with many entities. Mr. Coltrain explained that he is currently residing in North Dakota, and needs a better paying job because of high cost of living. Mr. Koppelman suggested a placement exam. Motioned by Rodney Mayer and seconded by Kyle Miller to enter into Executive Session. Motion carried. Kurt Coltrain left the meeting.

At 9:30 a.m., the Board entered into Executive Session.

At 9:40 a.m., Ben Koppelman motioned and Kyle Miller seconded to end Executive Session. Motion carried.

At 9:42 a.m., Kurt Coltrain and Aaron Halme entered the meeting.

Motioned by Ben Koppelman to allow Mr. Coltrain to take the placement exam, and if he passed, Mr. Coltrain would be allowed to take the Journeyman exam. Motion failed due to lack of second. Kyle Miller expressed that he would like to see Mr. Coltrain have more working experience hours in North Dakota. It was motioned by Rodney Mayer and seconded by Kyle Miller to deny Mr. Coltrain's appeal concerning his Application for a Journeyman License. Earl Scherer, Rodney Mayer, Kyle Miller and Karen Karls voted aye. Ben Koppelman voted nay. Motion carried.

At 10:00 a.m., Lyle Wergeland, Director of Inspections, and Derik Sutton entered the meeting.

Mr. Schmidt informed the Board that Steve Krause, owner of Aster Electric, will not be in attendance due to a family matter. Aaron Halme is the contracting Master electrician for Aster Electric. Several of our inspectors have caught apprentices wiring without direct and constant supervision at least five times in the last month. Mr. Halme provided testimony that he does take these matters seriously. He realizes that they have a lot of jobs and not enough employees, in which some of their Journeyman electricians have recently left. Ms. Glass provided input that many of their employees are not Journeyman electricians in the State of North Dakota, although they may be in other states. Mr. Wergeland indicated that he has also received a complaint from a homeowner. Mr. Halme understands that this situation may result in a revocation of his license.

When asked about Mr. Sutton's involvement, Mr. Sutton provided testimony that he is operating as a subcontractor under the name of S & S Electric for Aster Electric. Mr. Sutton was informed that he cannot operate this business in North Dakota without have a contracting Master to do electrical work, as Mr. Sutton is only a Journeyman electrician.

Motioned by Rodney Mayer and seconded by Karen Karls to enter into Executive Session. Motion carried. Aaron Halme and Derik Sutton left the meeting.

At 10:23 a.m., the Board entered into Executive Session.

At 10:45 a.m., Rodney Mayer motioned and Ben Koppelman seconded to end Executive Session. Motion carried.

Aaron Halme and Derik Sutton re-entered the meeting.

Mr. Schmidt informed Mr. Halme that he and Mr. Krause are asked to reappear at the July, 2014 Board meeting to further discuss this matter. Mr. Halme has indicated that he will not pull any more wiring certificates on behalf of Aster Electric, and will continue to stay on until all wiring certificates are completed, which he estimates to be about three months. This matter is tabled until the next Board meeting.

At 10:55 a.m., Aaron Halme left the meeting.

Mr. Sutton informed the Board that he now works for someone else and will be eligible to retake the Master exam in June.

At 11:03 a.m., Derik Sutton left the meeting; and the Board recessed for a short break.

At 11:10 a.m., the Board reconvened, and Steven Witt, Attorney Alice Senechal, Tom Crawford and Jesse Maier entered the meeting.

Attorney Porsborg and Attorney Senechal provided a brief history of the matter involving Steven Witt and J Hill Electric. In summary, Steven Witt was the contracting Master for J Hill Electric. During this time, J Hill Electric discovered that an employee, James Schlosser, had issued several wiring certificates without any knowledge, even though the e-Cert information was the responsibility of Mr. Witt. Attorney Senechal has informed the Board that litigation has been brought against J Hill Electric concerning the open jobs and costs to complete. Ms. Glass also informed the Board that Mr. Schlosser had been located and criminal charges are pending against him in the City of Minot. Tom Crawford, Minot City Inspector, provided input on his assessment of costs associated with the majority of the jobs located in the City of Minot since he inspected them,

and that some of the jobs have been taken over by other contractors hired by the home owners. He estimates that most of the jobs are flood-related and should average between \$4,500 and \$5,000. With the lawsuit in pursuit, Attorney Senechal indicated that monetary value is what they need to confer to J Hill Electric's insurance company, which may provide coverage. A spreadsheet will be finalized indicating proposed job costs as well as costs to complete corrections. Motioned by Ben Koppelman and seconded by Rodney Mayer to work with attorneys to devise a practical method to get corrections resolved as soon as possible. Motion carried.

At 12:00 p.m., Steven Witt, Attorney Alice Senechal, and Tom Crawford left the meeting.

Ashley Windhorst brought up an e-mail received from Charles McKercher concerning his denial of his Application for an Electrician's License. This matter will be tabled for the next Board meeting in which Mr. McKercher will have the opportunity to appear.

The topic of an applicant's work experience and protocol to follow will be tabled until the next Board meeting.

The NERA By-Laws were presented to the Board. Attorney Porsborg suggested a change concerning termination of membership; however, it was motioned by Karen Karls and seconded by Rodney Mayer to approve the By-Laws as is. Motion carried.

At 12:15 p.m., Jesse Maier left the meeting.

Ms. Windhorst informed the Board that she has received information that a North Dakota Journeyman electrician has been selling employment verifications to apprentices applying for their Journeyman exam.

Ms. Glass apprised the Board of issues revolving around renewing contracting Master and Class B electrician licenses, and the extra work and costs involved when the electrician does not meet the requirements to renew. Attorney Porsborg stated that the Board would not be able to charge a penalty and would need legislative approval, however, the Board could charge the electrician actual costs incurred in reprocessing paperwork. Further discussion took place on moving deadlines, the requirements to renew, etc. With the Board implementing a new Report System, Mr. Schmidt and Ms. Glass believe most of these issues will hopefully be resolved and lessen the process involved. This matter can be revisited if needed.

At 12:45 p.m., Ashley Windhorst left the meeting.

Lyle Wergeland gave a brief synopsis of the North Central Electrical League Expo in Minnesota, in which he and certain inspectors attended.

Mr. Wergeland also gave an update on the Allen Jenkins/Terry Packer situation involving inspections and completion of corrections on Mr. Jenkins' jobs.

Mr. Schmidt and Mr. Wergeland visited the Harvey Flour Mill. Currently, the Mill is in receivership with another company pending ownership.

Mr. Schmidt indicated that he had received an e-mail from Josh Wilson concerning reverting MC (metal cable) to 2011 code when it comes to dorms.

The North Dakota State Hospital currently has no Master electrician and is advertising to find one. At the present, they are contracting their work out to other Masters in order for their Journeyman to continue working. No action taken at this time.

Lyle Wergeland reviewed the district reports. He explained there are still issues with Mountrail County and the surrounding Minot area. His intent is to have other inspectors help out in these areas.

Mr. Schmidt presented an e-mail from Kevin Wheeler outlining his own contracting business situation with his son's business, particularly until his son obtains his Master license. Motioned by Ben Koppelman and seconded by Karen Karls to deny Kevin Wheeler contracting for more than one shop. Motion carried.

At 1:40 p.m., the Board recessed for a short break.

At 2:00 p.m., the Board reconvened.

In summary of Agenda items as follows:

- 4(a) – Past Expenses Review . . . presented handout for review.
- 4(d) – City of Williston . . . no further information to report.
- 4(f) – Solomon Maendel . . . no further information to report.

Mr. Schmidt indicated that Jesse Peterson of United Tribes Technical College has developed an electrical program in which he is seeking some type of credit from the Board to attendees who graduate from the program. Motioned by Rodney Mayer and seconded by Ben Koppelman to authorize Mr. Schmidt to work with Mr. Peterson on classroom hours to be credited towards actual work experience. Motion carried.

At 2:15 p.m., Paula Glass left the meeting.

At 2:30 p.m., Jerry Brackin entered the meeting.

Mr. Brackin attested to his current position as Safety Training Director in that it is more than he had expected. Mr. Brackin has proposed that he go back to being a full-time Electrical Inspector and teach his non-credited classes without the Board's involvement. Mr. Brackin relayed to the Board his schedule and duties as Safety Training Director, particularly with his residence in Wahpeton, and traveling involved. Attorney Porsborg relayed conditions to eliminate conflicts of interest, which is at the discretion of the Board. Mr. Brackin would be required to notify Mr. Schmidt of any class(es) scheduled that he intends to teach outside of his duties as an Electrical Inspector. Mr. Koppelman also indicated that there needs to be some public notice that NDSEB would no longer be held responsible from any non-credited class activity pursued by Mr. Brackin.

Motioned by Ben Koppelman and seconded by Karen Karls to allow Jerry Brackin to continue as a full-time Electrical Inspector and with his business segregated from NDSEB in teaching non-credited classes under the following conditions. Mr. Brackin may not contract with any electrical contractors to teach classes, must contact Executive Director, James Schmidt, with class schedule(s), the NDSEB must be monetarily made whole, and brand his non-credited classes as segregated from NDSEB. Motion carried.

The Board was updated on the topics of office space and interviewing vendors for a new reporting system.

Mr. Schmidt updated the Board that Legislative Council has set the administrative rules committee hearing for June 11<sup>th</sup>.

President Scherer requested that the July Board meeting be rescheduled due to conflicts. The July, 2014 meeting was by consensus rescheduled for July 2, 2014.

On employee evaluations, it was decided that President Scherer and Rodney Mayer will be in charge of evaluating the Executive Director. All other employee evaluations are in process.

A revised 2013-2014 budget was distributed. Motioned by Ben Koppelman and seconded by Rodney Mayer to approve the revised 2013-2014 budget. Motion carried.

A proposed 2014-2015 budget was presented. Motioned by Rodney Mayer and seconded by Kyle Miller to approve the 2014-2015 budget. Motion carried.

There being no further business, it was motioned by Karen Karls and seconded by Kyle Miller to adjourn the meeting. The meeting was adjourned at 4:30 p.m.

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Earl Scherer, PRESIDENT

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Karen Karls, SECRETARY