

NORTH DAKOTA STATE ELECTRICAL BOARD MINUTES

Wednesday, May 20, 2015

The North Dakota State Electrical Board meeting was called to order at 8:30 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, Kyle Miller and Karen Karls. Members present telephonically: Ben Koppelman. Also present: James Schmidt, Executive Director; Curt Kasper, NECA; and Cody Serr, IBEW.

President Scherer asked for further Agenda items to appear at this meeting. Rodney Mayer added discussion on continuing education. There being no further Agenda items, it was motioned by Karen Karls and seconded by Kyle Miller that the Agenda be approved as amended. Motion carried.

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

James Schmidt presented the Board with dates of September 20-23, 2015 for the Western Section IAEI Meeting to be held in Jackson Hole, Wyoming, and inquired of any Board members interested in attending. The plan is to send five to six employees, including Mitch Feininger who is scheduled to be an IAEI presenter. Mr. Feininger's wages and/or expenses were in question. No action was taken.

An update of the Board's Report System (data software program) was provided by Mr. Schmidt. We are still in testing phase and envision still doing some comprehensive testing. The scheduled employee training dates of June 18-23, 2015 and the July 15, 2015 date for a "live" program may not be feasible due to testing. Inspectors will be provided a mobile tablet for their use in the field, which will include hot spots on their mobile phones. A representative from a credit card company (Authorize.net) presented to the staff information on electronic payment processing.

At 8:50 a.m., Scott Porsborg, Special Assistant Attorney General, entered the meeting.

Mr. Schmidt presented Richard Warren's Application for Journeyman Exam from the April 2, 2015 Board Meeting. Motioned by Kyle Miller and seconded by Karen Karls to approve Mr. Warren to take the placement exam. Motion carried.

Ben Koppelman explained the legislative process on HB 1229, in which the Undertaking Fund will dissolve and turn into a Special Fund effective August 1, 2015. The Board will be allowed to expend up to \$25,000 per contractor to correct abandoned code violations until this fund is depleted. Mr. Koppelman also explained that there is another legislative bill that will give the Attorney General and Secretary of State more authority to prosecute contractors. Motioned by Ben Koppelman and seconded by Rodney Mayer to authorize James Schmidt, Executive Director, to expend up to \$25,000 per rogue contractor in order

to correct abandoned code violations, and inform the Board on educational opportunities included in the spending of this fund. Motion carried.

Mr. Schmidt reported no further information received on the City of Fargo adopting the code and enforcement of an ordinance. Attorney Porsborg also indicated he has not heard anything further, and requested any correspondence be sent to him, including a letter received by the Fargo Home Builders from the City of Fargo. No further action taken at this time.

Attorney Porsborg reported on a United States Supreme Court decision on an eastern state board anti-trust liability action.

At 9:21 a.m., Ben Koppelman left the meeting.

At 9:25 a.m., Loren Schroeder of Direct Electric; Lyle Wergeland, Director of Inspections; Scott Halle, Training and Compliance Administrator; and Paula Glass, Office Manager, entered the meeting.

An update was provided on the Allen Jenkins/Terry Packer matter by Scott Halle, who is working with property owners and contractors to get code violations corrected. If needed, the Undertaking Fund can be utilized to help clean up this matter.

Mr. Schmidt provided an update on the Steven Will/J Hill matter. Mr. Halle has researched current property owners, and letters are being generated to them concerning outstanding code violations.

Loren Schroeder of Direct Electric in Gackle, ND, expressed concerns about the 50A 2P crowfoot receptacle corrections being received. Mr. Wergeland explained why these devices are not allowed and are for replacement use only. After further discussion, Mr. Schroeder indicated he may be submitting an administrative rule proposal to ask that these receptacles be allowed for certain installations.

At 9:50 a.m., Loren Schroeder, Lyle Wergeland and Scott Halle left the meeting, and the Board recessed for a short break.

At 10:00 a.m., the Board reconvened, and Josh Kunz entered the meeting.

Curtis Metsa was to appear before the Board at 9:30 a.m. to discuss unfinished work in North Dakota. Due to his failure to appear, the Board will be using the Undertaking Fund to hire a contractor and fix outstanding code violations. Attorney Porsborg indicated to send Mr. Metsa a letter as to this effect. Mr. Metsa will also be required to appear before the Board if he intends to reinstate his Master license.

At 10:10 a.m., Lyle Wergeland; Kendrick Kjorsvik and Greg Rockstad, State Inspectors, entered the meeting.

Mr. Schmidt apprised the Board of events surrounding Josh Kunz, which included finding four (4) violations of unsupervised apprentices and late certificate(s). Mr. Kunz apologized to the Board and indicated that it is hard to find licensed electricians and most of the paperwork is handled through the Grand Forks office. President Scherer reiterated how it is a contracting Master's responsibility to track employees and who is ultimately responsible. Greg Rockstad gave a synopsis as to what he found on a job site dealing with an out-of-ratio situation. Mr. Schmidt inquired of Mr. Kunz as to Earl Kunz, who is also scheduled to appear at this meeting. Josh Kunz indicated that Earl is his father, and Mr. Schmidt inquired of him as to his knowledge of why Earl Kunz is being brought before the Board, which was falsifying wiring certificate corrections that weren't completed. Mr. Mayer brought up some past history on Board action involving Josh Kunz. Ms. Glass stated that Josh Kunz was put on probation in 2010 due to operating a business in North Dakota and invoicing customers without being licensed. To satisfy this requirement, Earl Kunz became the contracting Master until Josh Kunz was able to do so. Motioned by Rodney Mayer and seconded by Kyle Miller to enter into Executive Session. Motion carried. Josh Kunz, Cody Serr and Curt Kasper left the meeting.

At 10:40 a.m., the Board entered into Executive Session.

At 11:00 a.m., Rodney Mayer motioned and Kyle Miller seconded to end Executive Session. Motion carried. Josh Kunz, Cody Serr and Curt Kasper entered the meeting.

Attorney Porsborg informed Josh Kunz of his rights and the terms of Board offered-probation. After further discussion and acceptance by Josh Kunz, it was motioned by Kyle Miller and seconded by Rodney Mayer that in lieu of formal action, that Josh Kunz will voluntarily agree to be on probation for two years. Motion carried. Attorney Porsborg will draft the Probation Agreement. Once again, Josh Kunz apologized several times to the Board for his actions.

At 11:05 a.m., Josh Kunz left the meeting, and Joe Dopler entered the meeting.

Mr. Schmidt apprised the Board of events surrounding Joe Dopler, which included finding four (4) violations of unsupervised apprentices and late certificate(s). Mr. Dopler was aware as to why he was brought before the Board, and indicated he is trying to get better control over his workload and employees. It was also noted that Mr. Dopler has had past violations on the same issue. After further discussion, it was motioned by Rodney Mayer and seconded by Kyle Miller to enter into Executive Session. Motion carried. Joe Dopler, Cody Serr and Curt Kasper left the meeting.

At 11:25 a.m., the Board entered into Executive Session.

At 11:30 a.m., Rodney Mayer motioned and Kyle Miller seconded to end Executive Session. Motion carried. Joe Dopler, Cody Serr and Curt Kasper entered the meeting.

Attorney Porsborg informed Joe Dopler of his rights and the terms of Board offered-probation. After further discussion and acceptance by Joe Dopler, it was motioned by Karen Karls and seconded by Kyle Miller that in lieu of formal action, that Joe Dopler will

voluntary agree to be on probation for one year and complete an administrative rules course within sixty (60) days. Motion carried. Attorney Porsborg will draft the Probation Agreement.

Mr. Schmidt gave a brief update of the situation involving Aster Electric and Aaron Halme. Mr. Halme was placed on probation in October, 2014, and believes Aster Electric no longer exists. There has been some communication with Mr. Halme.

At 11:40 a.m., Joe Dopler, Lyle Wergeland, Kendrick Kjorsvik, Greg Rockstad and Paula Glass left the meeting.

Attorney Porsborg handed out some information on providing a housing allowance. Office of Management and Budget (OMB) is working on a new policy for this which is supposed to be available in a few weeks. Wage increase or retention bonuses were discussed in lieu of an available policy from OMB.

At 12:00 p.m., the Board recessed for a break.

At 12:35 p.m., the Board reconvened, and Paula Glass, Lyle Wergeland, Greg Rockstad, Kendrick Kjorsvik, Josh Kunz and Earl Kunz entered the meeting.

Mr. Schmidt apprised the Board of events surrounding Earl Kunz. Mr. Kunz explained his health situation and that it was oversight on the correction reports being submitted without the code violations being corrected. Josh Kunz appeared with Earl Kunz and indicated that although his dad is a contracting Master for the same company, he oversees all projects and corrections. Mr. Schmidt indicated that he is falsifying documents when this happens. Kendrick Kjorsvik informed the Board that he did re-inspections on the wiring certificate code violations and found that none of the code violations were corrected. Mr. Mayer suggested that Josh and Earl accompany inspectors to perform re-inspections of the job sites to make sure the code violations are corrected. Lyle Wergeland and Paula Glass were directed to provide and work with Josh Kunz on the outstanding correction reports under Earl Kunz's license, and Mr. Wergeland will schedule any re-inspections to be performed. Earl Kunz was directed to go into non-contracting status with his Master license.

At 1:15 p.m., Earl Kunz, Josh Kunz, Lyle Wergeland, Kendrick Kjorsvik, Greg Rockstad and Paula Glass left the meeting.

The licensing issue of Class B electricians was brought before the Board. There is no provision for a non-contracting Class B, although was allowed by past administration. This currently affects approximately less than a dozen individuals. The Board will allow those individuals to continue in non-contracting Class B status until they don't renew. New and current contracting Class B electricians will need to be or remain in contracting status and carry liability insurance.

Low or limited voltage licensing was reviewed. Mr. Mayer inquired of the Board meeting attendees of their opinion on low-voltage licensing. Cody Serr stated that he has been in North Dakota for 14 years and does not believe there is a need for this license although

there have been some shoddy low-voltage practices. Mr. Mayer indicated he wants to be proactive on this issue, so it was motioned by Kyle Miller and seconded by Karen Karls to authorize James Schmidt to form a low/limited voltage license study committee.

Discussion took place on work experience and North Dakota State College of Science's involvement in reviewing qualifications of individuals to meet "similar" rules requirement. Ivan Maas of NDSCS is checking with NDSCS to see if this is a possibility.

The Board was approached with inspecting on tribal land/reservations. Attorney Porsborg advised the Board that the state has no jurisdiction on tribal/trust land. The Board is currently waiting for an official request from the Three Affiliated Tribes to allow NDSEB to inspect electrical work on that reservation.

In reviewing administrative rule proposals and procedures, the Board has decided to wait for the 2017 National Electrical Code in order to go through any rule changing process.

At 2:10 p.m., Scott Porsborg left the meeting, and Lyle Wergeland and Scott Halle entered the meeting.

Mr. Wergeland reported that he has been informed the work in the oil patch has slowed down, but wiring certificates are still being generated.

Rodney Mayer recommended furthering NDSEB employees and Board members skills by attending classes involving coaching, inter-personal skills, enrichment classes and professional development.

Mr. Mayer suggested that the NDSEB join the Fargo-Moorhead Builders Exchange as it might help the Board become more aware of jobs (permits) in this area. This matter was tabled.

Scott Halle provided the Board with a status report on the May, 2015 NDSEB CEU classes, and comment cards were distributed for review. Mr. Halle also indicated that in the Allen Jenkins case, he continues to gain progress; past-due self-wire corrections are down to three remaining; and that he reviews submitted applications for continuing education classes and gives input to the Executive Director for acceptance or denial.

Derek Warkenthien did not appear today for his scheduled time to meet with the Board as requested.

There being no further business, it was motioned by Kyle Miller and seconded by Karen Karls to adjourn the meeting. The meeting was adjourned at 2:45 p.m.

Date

Date

Earl Scherer, PRESIDENT

Karen Karls, SECRETARY