

**North Dakota State Electrical Board Minutes**  
May 25, 2022 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 Offices at 1929 N. Washington St., Ste A-1, Bismarck, North Dakota. Members Present: Rodney Mayer, Paul Durbin, Christina Roemmich, and Tom Paulson. Members Absent: Mark Christopher. Also Present: James Schmidt, Executive Director; Scott Porsborg, Special Assistant Attorney General; Austin Lafferty, Special Assistant Attorney General; Curt Casper, NECA; Jim Brandenburg, Newly Appointed Journeyman Board Member, Starting in July.

James Schmidt added four items to the agenda: “Server,” “Dakota Spirit Ag.,” “Past Applicant,” and “Board Member”

Christina Roemmich moved and Tom Paulson seconded, a motion to approve the consent agenda as read and approve the added agenda items. Discussion took place about adding employee pay raises/evaluations as an additional agenda item. Mr. Schmidt indicated the board had already approved the 22-23 budget which included an employee hourly increases plus 6% max. increases based on employee evaluations at the March Board meeting. The board directed to add this to the July board meeting a report on employee raises that were given out at the beginning of the fiscal year July 1st. The Motion carried.

Doug Grinde, Director of Inspections, appeared before the Board at 8:34 a.m., to report on inspections. Mr. Grinde is currently training two new inspectors and working on employee evaluations and ride alongs. He presented data regarding incoming certs by month. The NDSEB currently has 7,621 active certs in the system. Less than one-half are currently ready for inspection. Discussion took place regarding MHA Nation related certs, and the workload of the tribal inspector, and its impact on the Board. Mr. Grinde discussed the amount of “rough-in” inspections being performed in comparison with years past.

Discussion took place regarding Districts - the Board has advertised for an inspector position for the Williston area, a previous new hire withdrew from the position due to life changes.

Mr. Schmidt informed the Board that Midco is running the same PSA for the board as they did in the previous year at no charge.

Mr. Schmidt presented regarding the North Dakota Building Code. The NDSEB has a position on the State Building Code Committee, and Mr. Schmidt and Jon Sayler have been attending meetings regarding approval of the upcoming building code. Mr. Schmidt explained the building code process, and the Boards role in the process.

Mr. Schmidt provided an update on the proposed joint power agreement that has been presented to the MHA Nation. The Tribe’s legal department is still reviewing the document.

Mr. Schmidt informed the Board that Rich Wolfe has taken the Board's COBRA offer, and will be retiring. His last day will be June 3, 2022. No other employee has accepted the offer at this time.

Casey Hauck appeared before the board at 9:00 a.m. His attorney, Martin Kappenman (ND #07417), appeared via telephone. Inspector Zachary Paetz and Doug Grinde also entered the meeting. Mr. Schmidt informed the Board that Inspector Paetz found a job where Mr. Hauck's company had two late cert violations, as well as an unsupervised apprentice violation. Mr. Hauck apologized for his tone during the phone conversation with Mr. Schmidt, but felt the inspector's tone during the interaction was inappropriate. Mr. Hauck had stated that he monitored his apprentices via FaceTime, but Mr. Schmidt stated this was not "direct supervision." Direct supervision is having a license on site. Attorney Porsborg pointed to N.D.A.C. 24.1-03-01-09 states that that an apprentice may not "work on any installation without direct constant supervision by a North Dakota licensed electrician working with the apprentice at the worksite." Mr. Mayer explained that he understands Montana law may be more lax for 4<sup>th</sup> year apprentices there, but North Dakota has its own laws which are more strict on this issue. Mr. Mayer stated he appreciated Mr. Hauck's cool head, but this needed to change. Mr. Hauck stated he acknowledged his deficiencies and will comply. Mr. Hauck and Inspector Paetz informed the Board they have worked through their issues.

Mr. Hauck presented a code issue to the Board regarding "voltage to ground." Mr. Hauck will discuss further with Mr. Grinde. Mr. Schmidt asked the Board how they wanted to handle the three violations. Mr. Hauck explained a mistake he had made relating to one of his certs, resulting in the late cert violation. Mr. Schmidt recommended the Board forgive the mistaken late cert violation, and the Board agreed. The Board discussed. The Board agreed to fine Mr. Hauck a \$50.00 late certificate fee, plus administrative fees for the late cert violation and the unsupervised apprentice violation.

Mr. Schmidt informed the Board that the Board's server is failing. The only item on the server is the reporting system. Mr. Schmidt has ordered a new server, which will arrive in approximately one month.

Mr. Schmidt informed the Board of the issues regarding "Dakota Spirit Ag." An employee electrician with Dakota Spirit Ag contacted the Board. An Electrical Contractor has taken out the cert for work on Dakota Spirit Ag, and then the two employee electricians at Dakota Spirit Ag perform the work. They are not employees of the Electric contractor. Mr. Schmidt presented information he requested from the contractor regarding specific wiring certificates for Dakota Spirit Ag. Mr. Schmidt has also spoken to the two employee electricians at Dakota Spirit Ag. Mr. Schmidt would like some Board direction on how to handle this issue. The Board discussed the issue and how to handle. Mr. Mayer asked that Mr. Schmidt investigate further, and place this on the July agenda. Mr. Mayer also asked that Mr. Schmidt contact the contractor and possibly attend the July meeting if not resolved by then. Mr. Schmidt will work with Attorney Porsborg regarding the issue. They will attempt to resolve it. If they are unable to, Mr. Schmidt will ask all parties involved to attend the July meeting.

Mr. Schmidt informed the Board on the issue relating to the "Past Applicant" agenda item. The Board previously voted to allow this applicant to take a Journeyman license despite past felony

convictions. A verbal complaint was brought now that he has a contracting Master license. Discussion took place. As there was no complaint regarding the Electrician's performance, the Board will not involve itself.

At 10:00 a.m. the Board took a brief recess.

At 10:21 a.m. the Board reconvened.

Mr. Schmidt introduced James Brandenburg as the new Journeyman Board Member to the Board. His 5-year appointment begins July 1, 2022. Mr. Brandenburg introduced himself and described his background for the Board.

Mr. Schmidt informed the Board that Robert Arso is resigning from the Education Committee due to his retirement. The Board already has an individual in the same position, and thus, a replacement is not necessary.

Mr. Schmidt presented recommendations regarding the Board's NDSCS scholarship. The scholarship only covers students completing NDSCS's Commercial Electrical Program, but not the college's Industrial Electrical Program. Mr. Schmidt recommends the Board alter its policy to provide scholarships for both programs. Discussion took place regarding the effectiveness of the scholarships and how the Board should proceed.

Ms. Roemmich moved the Board include NDSCS Industrial Electrical program in the scholarship policy as it benefits the electrical industry. Mr. Durbin seconded. The motion passed unanimously.

Mr. Schmidt presented on the Administrative Rules Proposals, as the Board typically begins this process at the May meeting. Because of code update schedules and the 2022-23 legislative session, the Board will start the process in January 2023 instead.

Jon Sayler, Information, Inspection and Compliance Administrator, appeared before the Board at 10:48 a.m. Marketplace for kids season is over, the last one took place in Wahpeton last week. Mr. Sayler has been proctoring exams and auditing certificates received, and looking into potential redistricting. Mr. Sayler has continued auditing and tracking inspections. Mr. Sayler has assisted Mr. Schmidt at the building code meetings.

Scott Halle, Director of Education and Compliance, appeared before the Board at 10:55 a.m. 2022 CEU classes and topics have been scheduled and registration is set up. Sixteen classes are scheduled. Mr. Halle attended Marketplace with Mr. Sayler last week. He has been processing CEU applications, proctoring exams, and answering code questions as they come in. Discussion took place regarding the number of classes, and questioning if sixteen is an appropriate number of classes.

Mr. Mayer opened discussion related to NDIAEI and asked about the purpose and benefits of NDIAEI, Mr. Halle's participation with NDIAEI, and how it impacts Mr. Halle's work. Discussion also took place how the Board could help Mr. Halle avoid burnout with his work.

with both the Board and the NDIAEI. Mr. Schmidt and Mr. Halle will discuss potential solutions, and the Board will discuss this issue again at the July meeting.

Mr. Schmidt informed the board that data centers are going up in North Dakota. He will look into more training for the inspectors on “medium-voltage” installations. Discussion was held regarding the challenges these data centers present, and how the Board will handle these new builds, as it is likely more will be built in the future.

Mr. Schmidt provided an update on the office remodel. The only thing remaining on the punch list is to fix scratches on the glass on the front door. Replacement remotes will be needed for the air conditioning units in the conference room. The screens in the conference room need to be configured, and chairs were recently ordered. There was an error with the stain utilized on the conference tables that needs to be fixed.

Mr. Schmidt informed the Board that 132 contractors had not renewed at the end of April. After an email reminder, that list is now at 88. The Board sent out 88 cease and desist letters on approximately May 19th. The final list of non-renewed will be presented at the September Board meeting for discussion.

Mr. Paulson moved the Board enter executive session for purposes of attorney consultation regarding pending litigation. Ms. Roemmich seconded.

Vote: Mr. Paulson: Aye. Mr. Durbin: Aye. Ms. Roemmich: Aye.

The Board entered executive session at 11:56 a.m.

The Board exited executive session at 12:22 p.m.

Mr. Durbin moved to have counsel proceed as discussed in Executive Session. Mr. Paulson seconded the motion. The motion passed unanimously.

The next meeting will be on July 20, 2022

Mr. Durbin moved to adjourn. Mr. Paulson seconded.

Meeting adjourned at 12:24 p.m.

Date \_\_\_\_\_

Date \_\_\_\_\_

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Rodney Mayer, PRESIDENT

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Christina Roemmich, SECRETARY