

**IDAHO ELECTRICAL BOARD
VIDEOCONFERENCE MEETING**

Wednesday – October 25, 2017 – 9:30 a.m. (MDT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d'Alene
2055 Garrett Way, Building 1, Suite 4, Pocatello**

MINUTES OF THE OCTOBER 25, 2017 MEETING

NOTE: The following report is not a verbatim transcript of the discussions at the meeting; however, is to record the significant features of those discussions.

Acting Chairman Jeff Wheeler called the meeting to order at 9:31 a.m. (MDT).

Board Members Present:

Jeff Wheeler, Vice-Chairman
Rick Stark, Coeur d'Alene
Dale Pippitt
Joe Harbacheck
Allan Perman
Todd Feusier
Jim Marchetti
Greg Eagy

DBS Staff Members Present:

Ron Whitney, Deputy Administrator
Spencer Holm, Deputy Attorney General
Warren Wing, Electrical Program Manager
Larry Jeffres, Regional Manager, Region 1
Patrick Grace, Regional Manager, Region 2
Jeff Egan, Regional Manager, Region 3
Gary Sonnen, Regional Supervisor, Region 1
Amy Kohler, Compliance Program Specialist
Renee Bryant, Administrative Assistant 2

In the absence of Chairman Bob Scott, Vice-Chairman Jeff Wheeler served as Acting Chairman at this meeting.

◆ **Recognition**

Denis Duman and Mark LaBolle were recognized for their many years of service on the Idaho Electrical Board with commemorative plaques.

◆ **Introduction**

Todd Feusier and Jim Marchetti, Journeyman Representatives, were welcomed as the newest board members.

◆ **Open Forum**

There were no new items or concerns to discuss.

City and County Concerns – There were no new items or concerns to discuss.

◆ **Approval of the October 25, 2017 Agenda**

The speaker of agenda item six *Electrical Apprenticeship Related Training Providers and Schools Approved/Accredited* had a prior commitment and was unable to attend the meeting until early afternoon. Electrical Program Manager Warren Wing asked, and Acting Chairman Wheeler agreed, to move item six between item 14 *Compliance Program Report* and item 15 *Administrator Report*.

MOTION: Joe Harbacheck made a motion to approve the agenda with the change. Allan Perman seconded. All in favor, motion carried.

◆ **Approval of the April 26, 2017 and July 26, 2017 Board Meeting Minutes**

MOTION: Dale Pippitt made a motion to approve the minutes as written. Greg Eagy seconded. All in favor, motion carried.

◆ **Administrative Appeals Hearing**

Right Now Heating & Air--Notice of Violation (NOV) ELE1702-0011 – There was no representation for Right Now Heating and Air at the hearing; therefore, the appeal was abandoned.

Tyrell Gray--NOV ELE1706-0002 – Neither Tyrell Gray nor a representative for Mr. Gray was present for the hearing; therefore, the appeal was abandoned.

David Jeul McKenzie--NOV ELE1706-0031 – Neither David Jeul McKenzie nor a representative for Mr. McKenzie was present for the hearing; therefore, the appeal was abandoned.

MOTION: Dale Pippitt made a motion to affirm the civil penalties and take default on Right Now Heating & Air--NOV ELE1702-0011, Tyrell Gray--NOV ELE1706-0002, and David Jeul McKenzie--NOV ELE1706-0031.

The Deputy Attorney General recommended the motion on the three abandoned appeals be made at the conclusion of Nelson Electric's hearing.

Nelson Electric--NOV ELE1706-0024, ELE1706-0025, ELE1706-0026, 1706-0027 and 1706-0028 – Shan B. Perry, Holden, Kidwell, Hahn & Crapo, P.L.L.C., and Greg Nelson represented Nelson Electric. Compliance Program Supervisor Amy Kohler represented DBS, Building Safety Inspector/Advisor Aaron Reynolds was a witness for the Division, and Deputy Attorney General Spencer Holm was the facilitator. The Deputy Attorney General introduced exhibits A through W into the record. The Compliance Program Supervisor presented one additional document labeled exhibit X.

MOTION: Jim Marchetti made a motion to enter exhibits A through X into the record. Joe Harbacheck seconded. All in favor, motion carried.

Prior to the hearing, the Division cancelled one charge on NOV ELE1706-0024 (Knowingly Employing an Unlicensed Individual), and both charges on NOV ELE1706-0025 (Knowingly Employing an Unlicensed Individual and Failure to Supervise). Nelson Electrical will receive refunds on those violations.

All parties were sworn in and provided testimony/argument on NOV ELE1706-0024 (Journeyman to Apprentice Ratio and Failure to Supervise), ELE1706-0026 (Failure to Supervise), 1706-0027 (Journeyman to Apprentice Ratio and Failure to Supervise), and 1706-0028 (Failure to Supervise), violations of IDAPA 07.01.11.011 *Civil Penalties*.

The Board upheld the civil penalties and Messrs. Perry and Nelson were advised the rights of Nelson Electric.

MOTION: Allan Perman made a motion to uphold the NOVs and fines. Joe Harbacheck seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will create a Final Order for the Chairman's signature and provide a signed copy to Mr. Perry for Nelson Electric.

Confirming there were no defendants nor representatives at the hearings of Right Now Heating & Air, Tyrell Gray, and David Jeul McKenzie, the Board supported the civil penalties.

MOTION: Dale Pippitt made a motion to uphold the civil penalties on Right Now Heating & Air--NOV ELE1702-0011, Tyrell Gray--NOV ELE1706-0002, and David Jeul McKenzie--NOV ELE1706-0031, as they have been abandoned. Greg Eagy seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will create three Notice of Intent to Take Default for the Chairman's signature, and provide signed copies to Right Now Heating & Air, Tyrell Gray, and David Jeul McKenzie.

◆ **Schedule 2018 Board Meetings**

Suggested were the following dates for the 2018 Idaho Electrical Board meetings: January 24, April 25, July 25 and October 24.

MOTION: Joe Harbacheck made a motion to approve the above-mentioned dates for the 2018 Idaho Electrical Board meetings. Todd Feusier seconded. All in favor, motion carried.

ACTION: The 2018 Electrical Board meeting dates will be placed on the Division's board meeting calendar, and website.

◆ **High School Apprentice Training**

As part of any high school educational program, the proposed statute change would allow students to perform residential trade-related installations and not be required to register as an apprentice in the state of Idaho. If approved, the Division would inquire into a legislator presenting the proposed educational exemption apprenticeship at the 2018 legislature for all three trades.

Suggestions were: 1) High school education hours count toward college/trade credit, 2) Maximize the number of students to journeyman, 3) Limit or cap the amount of hours worked, 4) One special permit issued by DBS per semester for all trades, and 5) Add to the proposed language "... *approved and* recognized by the board ..." to show board ownership.

The Acting Chairman stated the topic *High School Apprentice Training* would be further discussed at the January 2018 Board meeting.

ACTION: The topic *High School Apprentice Training* will be placed on the January 2018 agenda as an informational item.

◆ **Apprentice Work Experience**

Electrical contractors are concerned journeyman electricians are not getting the experience in the areas of residential, industrial and commercial; therefore, lacking training and qualified work

experience. Industrial groups have approached DBS about creating a new industrial journeyman license. The 75% rule was supposed to be a way to ensure well-rounded electricians; however, is a difficult task to enforce.

Suggestions were: 1) Employer sign off on apprentice hours worked, 2) Define on permits the type of work; i.e., residential, commercial or industrial, 3) Place the apprentice registration and journeyman license numbers on the permit to verify apprentices are working under a journeyman, 4) Define residential and commercial work, 5) Issue competency tests, 6) Monthly form on apprentice hours, type of work, etc. to be signed off on by a journeyman, 7) Quarterly certified all-in-one spreadsheet from contractors to verify licenses, apprentice ratio, etc., and 8) Leave as is.

The Acting Chairman stated the topic *Apprentice Work Experience* would be further discussed at the January 2018 Board meeting.

ACTION: The topic *Apprentice Work Experience* will be placed on the January 2018 agenda as an informational item.

◆ **Apprentice Ratio (Update)**

Statutorily, DBS does not have the authority to continue to allow the three apprentices to one journeyman (3:1) ratio in the installation of residential wiring as a blanket policy. However, it does have the ability to expand the ratio on a case-by-case basis only.

◆ **Apprentice Registration Renewal**

Presented was a proposed rule change. To renew an apprentice registration, the individual would need to provide evidence of completing at least two years of schools OR proof of 48 hours of continuing education credits for each year of schooling not attended during the apprentice registration period.

Board Member Rick Stark suggested adding the word “adopted” to the last sentence of the proposed language. The sentence would read in part, “... in the latest **adopted** edition of the National Electrical Code ...”

At the request of the Board, the Division will re-evaluate this issue; bringing it back to the January 2018 board meeting.

ACTION: The topic *Apprentice Registration Renewal* will be placed on the January 2018 agenda as an informational item.

◆ **Telecom Ground Rings**

Electrical Program Manager Warren Wing has received many questions with regard to telecom and ground rings. Ground wires are intended to carry current under fault conditions. Technically, based on statute, the individual installing any conductors likely to carry a current is supposed to have a license. The question to the Board was whether they want to require a license for individuals doing this specialty telecom grounding and site grounding OR let them do it as specialty contractors.

Kevin Vogel, Engineer and Journeyman Electrician, explained the grounding electrode itself does not carry fault current back to the source of the electrical supply. That component is the main bonding jumper and the grounded conductor typically comes from the utility service. Grounding electrode itself plays no role in that.

Receiving no comments from the Board, the Division will continue with its current practice.

◆ **Apprentice to Journeyman Testing Results (Update)**

In the packet was the Journeyman First Exam Attempts Report. For better tracking and accuracy, questions pertaining to schooling is now in the tutorial portion of the exam and must be completed prior to taking the exam.

Board Member Stark attended the meeting from Coeur d'Alene; however, left at 11:00 a.m. (PDT) to go back to a conference in Spokane, Washington.

◆ **Electrical Apprenticeship Related Training Providers and Schools Approved/Accredited**

Through a PowerPoint presentation titled *Related Training Programs, Electrical Apprenticeship*, Wendi Secrist, Director of Business Outreach, Idaho Career & Technical Education, updated the Board on the process to standardize the electrical apprenticeship program. As stated by Ms. Secrist, the Administrative Assistant will forward the presentation to the Board for further review.

ACTION: The Administrative Assistant will e-mail the PowerPoint presentation to the Board, as well as post it to the Division's website.

Ms. Secrist explained the draft process to add, remove, and monitor related training providers. The Administrative Assistant will forward the document to the Board for review.

ACTION: The Administrative Assistant will e-mail to the Board, as well as post to the Division's website, the document titled *Draft Process to Add, Remove, and Monitor Related Training Providers*.

◆ **Program Manager Report**

Classes – At the end of September and first of October 2017, the Program Manager provided classes on Idaho statutes in several cities throughout the state of Idaho.

Continuing Education (CE) Reciprocity – As discussed at the July 2017 Board meeting, DBS has contracted with CE Broker to track and manage continuing education for its licensees. Therefore, the Electrical Program Manager sent a letter of intent to nullify CE reciprocity agreements with several states.

Inspection Request Policy – For years, contractors have asked DBS to schedule inspections of water heaters, furnaces, etc., directly with homeowners. The Division have complied; however, it has become more problematic, as well as time consuming for inspectors. This is a contractual issue between contractors and their customers. Moving forward, DBS will do its best to accommodate; however, will no longer contact homeowners for access to perform inspections.

◆ **Compliance Program Report**

Program – Compliance Program Specialist Amy Kohler is redefining the Division's processes for the compliance program.

NOV Report – The report has been revamped and now has "Pending" as a status. The Compliance Program Specialist explained the pending process of the NOV.

◆ **Administrator Report**

Inspections – The Division receives hundreds of electrical, mechanical, and plumbing inspection requests daily. As of this morning, there are 426 inspections. With 46 state electrical inspectors to perform those inspections, each inspector averages ten inspections per day.

City of Meridian – For October, the city of Meridian has requested 679 inspections. The three designated inspectors for the City are averaging 13 inspections per day.

PHMSA – Pipeline and Hazardous Material Safety Administration (PHMSA), through the Federal Department of Transportation, has been tasked with trying to reduce damages to pipelines carrying hazardous materials. Consequently, PHMSA has asked every state to come up with a program to decrease the number of incidents to underground facilities. Temporary rules for the Damage Prevention Board became effective September 1, 2017, with the proposed rules to be reviewed at the 2018 legislature for permanent status. The Division has begun to take complaints, primarily for failure to call 811 and failure to hand dig. The Deputy Administrator encourages everyone to call 811 prior to digging.

Financial Report – Addressed was the Electrical Board Fund, FY 2018 financial statement, as of September 30, 2017.

Base Wage – Through the 2017 legislative session, the Division was able to get the base wage for inspectors increased by \$2.50 an hour. With the higher starting wage, DBS is more competitive in the field when hiring electrical inspectors. Since the first of the year, six inspectors have been hired.

Credit to Inspectors – Regional Manager Patrick Grace gave kudos to inspectors for their professionalism, amount of work and travel they do every day, and the effort put into compliance.

◆ **Adjournment**

MOTION: Dale Pippitt made a motion to adjourn the meeting. Todd Feusier seconded. All in favor, motion carried.

The meeting adjourned at 12:52 p.m. (MDT)

JEFF WHEELER, ACTING CHAIRMAN
IDAHO ELECTRICAL BOARD

RON WHITNEY, DEPUTY ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

DATE

12/11/2017rb