

**IDAHO ELECTRICAL BOARD
VIDEOCONFERENCE MEETING**

Wednesday – April 28, 2021 – 9:30 a.m. (MDT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d’Alene
155 North Maple Street, Blackfoot**

MINUTES OF THE APRIL 28, 2021 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.

Chairman Bob Scott called the meeting to order at 9:30 a.m. (MDT)

Board Members Present:

Bob Scott, Chairman
Jim Marchetti
Greg Eagy
Jim Swier
Casey Wilson
Rick Stark
Joe Harbacheck
Todd Feusier
Chad Fields-Telecon.

DBS Staff Members Present:

Ron Whitney, Administrator
Spencer Holm, Deputy Attorney General-Telecon.
Warren Wing, Electrical Program Manager
Adam Bowcutt, Regional Manager, Region 3
Gary Sonnen, Regional Supervisor, Region 1
Shelly Farris, Regional Supervisor, Region 3
Renee Bryant, Administrative Assistant 2

◆ **Acknowledgement**

Joe Harbacheck was recognized for his years of service on the Board with a commemorative plaque.

◆ **Open Forum**

There were no new concerns to address under open forum.

City/County Concerns – There were no new city/county concerns to address under open forum.

◆ **Approval of the April 28, 2021 Agenda**

MOTION: Joe Harbacheck made a motion to approve the agenda as presented. Rick Stark seconded. All in favor, motion carried.

◆ **Approval of the October 28, 2020 and October 30, 2019 Meeting Minutes**

MOTION: Todd Feusier made a motion to approve the minutes as presented. Jim Marchetti seconded. All in favor, motion carried.

◆ **Administrative Appeals Hearing**

Kaden Fondren--NOV ELE2102-0013 – Kaden Fondren represented himself, Electrical Program Manager Warren Wing represented DBS, Occupational License Inspector Bryan Mulleneaux was a witness for DBS, and Deputy Attorney General Spencer Holm was the facilitator. Mr. Fondren provided Exhibit 1 and Exhibits A through E were provided by the Division. The Board approved the exhibits for admission into the record. All parties were sworn in and provided testimony to ELE2102-0013, violation of IDAPA 24.39.10.450.03 *License or Registration*. A motion was made, and Mr. Fondren’s rights were explained.

MOTION: Jim Marchetti made a motion to uphold the civil penalty. Joe Harbacheck seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will generate a Final Order on Appeal for the Chairman’s signature with a signed copy to Kaden Fondren.

Blue Raven Solar, LLC--NOV ELE2101-0014 – Josh Neves represented Blue Raven Solar, LLC, Electrical Program Manager Warren Wing represented DBS, Occupational License Inspector Bryan Mulleneaux was a witness for DBS, and Deputy Attorney General Spencer Holm was the facilitator. Blue Raven Solar, LLC, provided Exhibits 1 through 4, and Exhibits A through F were provided by the Division. The Board approved the exhibits for admission into the record. All parties were sworn in and provided testimony to ELE2101-0014, violation of IDAPA 24.39.10.450.02 *Employees*. A motion was made, and Blue Raven Solar, LLC’s rights were explained.

MOTION: Jim Marchetti made a motion to uphold the civil penalty. Casey Wilson seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will generate a Final Order on Appeal for the Chairman’s signature with a signed copy to Blue Raven Solar, LLC.

Blue Raven Solar, LLC--NOV ELE2102-0001 – Josh Neves represented Blue Raven Solar, LLC, Electrical Program Manager Warren Wing represented DBS, Occupational License Inspector Bryan Mulleneaux was a witness for DBS, and Deputy Attorney General Spencer Holm was the facilitator. Blue Raven Solar, LLC, provided Exhibits 1 through 3, and Exhibits A through F were provided by the Division. The Board approved the exhibits for admission into the record. All parties were sworn in and provided testimony to ELE2102-0001, violation of IDAPA 24.39.10.450.02 & .05 *Employees* and *Supervision*. A motion was made, and Blue Raven Solar, LLC’s rights were explained.

MOTION: Jim Swier made a motion to uphold the civil penalty. Greg Eagy seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will generate a Final Order on Appeal for the Chairman’s signature with a signed copy to Blue Raven Solar, LLC.

- ◆ **Application Related to Training Provider—Shelley Adult Training Academy**
Shelley Adult Training Academy (SATA) is vetted with the Idaho Career and Technical Education (CTE), registered as a proprietary school with the State Board of Education through June 30, 2022, and fully registered with the Department of Labor as a registered apprenticeship. SATA will conduct 160 hours of training per year. Classes will be offered in person; however, the Academy is researching video and teleconference options. In addition, it has agreed to follow the state standards, administer the end-of-year assessments, and fees associated with the assessments.

MOTION: Joe Harbacheck made a motion to approve Shelley Adult Training Academy as a training provider for the State of Idaho. Todd Feusier seconded. All in favor, motion carried.

- ◆ **Election of Officers**
Idaho Code §54-1006(4) states in part, “The members of the board shall, at their first regular meeting following the effective date of this act and every two (2) years thereafter, elect by majority vote of the members of the Board a chairman ... and a vice chairman ...”.

Vice-Chairman – Board Member Jim Marchetti nominated Board Member Todd Feusier for the position of vice-chairman. With no other nominations, Board Member Feusier accepted.

Chairman – Board Member Rick Stark nominated Chairman Bob Scott to continue as chairman of the Board. Hearing no further nominations, Chairman Scott accepted.

- ◆ **National Electrical Code (NEC) Collaborative Update**
The NEC Collaborative is comprised of volunteers from the industry. Based on the possibility of adopting the 2020 NEC, the Collaborative is reviewing the current and new exemptions for additions/deletions to the IDAPA rules. Kelly Lamp, Idaho Chapter National Electrical Contractors Association, addressed the topics already reviewed, as well as future proposals. At the Board’s July 2021 meeting, the Collaborative will provide proposed changes to the rules for possible submission and approval at the 2022 legislative session. Currently, there are significant restrictions on rulemaking, and without approval from the Governor’s office and Division of Financial Management, the Board may not be able to move forward. DBS will contact the Governor’s office.

- ◆ **High Voltage Installation on Residential Applications**
Max Beach, Idaho County Light and Power, voiced concern that some electrical companies are stepping up a 120/240 volt residential service to 7,200 volts, running underground cable 2,000 plus feet to a home, and then stepping back to a 120/240 service. The law allows a licensed electrical journeyman and electrical contractor to perform any type of electrical installation. Also, the law does not require a plan review; however, the Division does perform a plans inspection if additional information is needed to ensure the job is done properly. Mr. Beach was told DBS performed a plans inspection on the job site; offering a permit number. Upon review, Electrical Program Manager Wing will provide Mr. Beach with his findings.

ACTION: The Electrical Program Manager will research this issue and provide Mr. Beach with the results.

◆ **Year End Apprenticeship Testing Requirements for Approved Programs**

Phil Liggins, Lewis and Clark State College questioned why the average pass rate for the new Career and Technical Education Consortium of States (CTECS) journeyman exam is 48 percent when the average of the previous exam was 78 percent. In addition, Mr. Liggins pondered whether there is deficiency with the test questions, instructors are not teaching to the new standards or the standards as written are invalid. It was suggested instructors from each of the training providers take the exam each year with their apprentices to determine the cause for the lower than average exam rate.

Electrical Program Manager Wing stated DBS was not involved in the process of the standards nor the exam, and the journeyman/masters exam questions are directly out of the code book.

Being involved in the creation of the tests used by CTEC, and development of the Idaho Electrical Apprenticeship Program Standards, Kelly Lamp explained the procedures used to generate the test questions for each year of the apprenticeship programs, as well as the journeyman exam.

◆ **Board Review of Test Apprentice Year End Test Results**

This subject matter correlates with the topic *Year End Apprenticeship Testing Requirements for Approved Programs*. The question arose how an apprentice can renew his registration should he fail a test but has the required 2,000 hours of work experience. That is a question for the schools; however, the Division's renewal policy is: 1) Provide proof of being registered in school, 2) Complete one year of a Board-approved sequence of instruction and one year of a minimum of two thousand (2,000) hours of work experience, or 3) Complete 24-hours of continuing education.

Mr. Lamp stated every apprentice is required to take an evaluation post completion of that years curriculum. The standards are not part of the education curriculum. The test was originally designed to be part of the overall score but not as a pass/fail of the entire course and was intended as a way to evaluate the schools/instructors, as well as a feedback device for instructors.

◆ **Program Manager Report**

Compliance Report – In the fall of 2020, the electrical, HVAC and plumbing program managers resumed responsibility for their respective compliance programs. Currently, there is one compliance officer for the entire State of Idaho; however, inspectors can check licenses, ratios, etc. as well.

NOV Report – From October 15, 2020 to April 19, 2021, there have been 155 cases and 186 violations. The penalty for gross violation, which is defined as grossly incompetent or in willful violation of rules and statutes, is license revocation for licensees and non-licensees are subject to prosecution by the appropriate jurisdiction under Idaho law.

Training – In March 2021, Electrical Building Safety Inspector/Advisor Daryl Nelson provided solar training to inspectors throughout the State of Idaho.

Zero-Base Regulation – The electrical rules will be up for review in 2023 and will need to be repealed and rewritten in accordance with statute. For consistency, the electrical, HVAC and plumbing program managers will work together.

◆ **Administrator Report**

Legislative Update – Senate Bills 1024, 1026, and 1056 have passed; creating the Division of Occupational and Professional Licenses (DOPL). DBS, along with boards from various agencies, will merge into DOPL. House Bill 346 relates to DOPL’s appropriation for fiscal year 2022. DBS has been reassured all board funds will stay intact with no intermingling.

Permit Activity – From a year-to-date comparison on permit activity, the first three months of 2021 have exceeded 2020 by 18 percent and April 2021, compared to 2020, is up 24 percent.

Fiscal Report – Fiscal Year 2021 ends June 30th. Currently, revenue is projected at 99.6% of what DBS budgeted and 95.6% for expenditures.

◆ **Adjournment**

MOTION: Jim Marchetti made a motion to adjourn the meeting. Jim Swier seconded. All in favor, motion carried.

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

BOB SCOTT, CHAIRMAN
IDAHO ELECTRICAL BOARD

RON WHITNEY, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE

05/20/2021rb

DATE