

**IDAHO ELECTRICAL BOARD
VIDEOCONFERENCE MEETING**

Wednesday – July 21, 2021 – 9:30 a.m. (MDT)

**Division of Occupational and Professional Licenses
1090 East Watertower Street, Suite 150, Meridian
1250 Ironwood Drive, Suite 220, Coeur d’Alene
155 North Maple Street, Blackfoot**

MINUTES OF THE JULY 21, 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
Rick Stark
Jim Marchetti
Greg Eagy
Chad Fields
Casey Wilson

DBS Staff Members Present:

Ron Whitney, Administration
MiChell Bird, Bureau Chief
Spencer Holm, Deputy Attorney General
Warren Wing, Electrical Program Manager
Adam Bowcutt, Regional Manager, Region 3
Gary Sonnen, Regional Supervisor, Region 1
Renee Bryant, Administrative Assistant 2

◆ **Open Forum**

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

Merging of DBS and DOPL – Independent Certified Electrical Inspector Jeff Fitzloff questioned, and Ron Whitney replied, with the merger of DBS into the Division of Occupational and Professional Licenses (DOPL) and moving to the State Chinden Campus in Boise, the Electrical Board’s overhead will be reduced. Operations will continue as usual with little to no change.

Rewrite Statute and Rules – Mr. Fitzloff is concerned with the rewriting of the statute and rules; specifically, reducing regulations to obtain an electrical license in the State of Idaho.

Idaho NEC Collaborative Update – Kelly Lamp, National Electrical Contractors Association (NEC), presented a report by the Idaho National Electrical Code (NEC) Collaborative for possible adoption of the 2020 NEC in the State of Idaho. Included in the report were minutes from the July 14, 2021, April 21, 2021, January 20, 2021 Collaborative meetings; tally sheets to amend, remove or leave as it stands on all subsections in IDAPA 24.39.10, Subsection F *Use of the National Electrical Code*; and revised language.

The Arc-Fault Circuit Interrupter (AFCI) was fairly controversial, and external disconnects were debated. Submersible pumps were not discussed as they were legislatively added into rule years ago. Specialty contractors in the solar industry added energy storage, photovoltaic systems, and DC battery storage systems.

In item “U. ii” *Article 690.12 Rapid Shut Down*, Board Member Casey Wilson inquired, and Mr. Lamp acknowledged, the Collaborative understood the concept of rapid shut down for off grid systems, and what it would entail if allowed. Board Member Wilson asked additional verbiage to be added as he is concerned the way it reads it could be a potential hazard if an individual disconnected from the utility, installed an off-grid system, and was not required to have rapid shut down.

With regard to item “R” *Compliance with Article 210.12 Arc-Fault Circuit-Interrupter Protection*, Mike Stone, National Electrical Manufacturers Association, stated there was considerable sentiment during the Collaborative meetings to move forward with the extension of AFCI’s in code.

For approval of the proposed rule changes and adoption of the 2020 NEC at the 2022 legislature, Deputy Attorney General Spencer Holm implied the negotiated rulemaking process could possibly be met through a special meeting of the Board.

In response to Jeff Fitzloff’s question, if following the code adopted by the State of Idaho, independent inspectors and contractors should not be liable for the installation of AFCIs.

Mr. Lamp was asked to work with DOPL staff to arrange the proposed changes into legislative format and bring to a special meeting for the Board to vote whether the proposal should be presented at the 2022 legislative session.

ACTION: A special meeting of the Board will be scheduled to review proposed changes to the electrical rules for possible adoption of the 2020 NEC.

◆ **Approval of the July 21, 2021 Agenda**

Chairman Scott asked for a motion to approve the agenda.

MOTION: Greg Eagy made a motion to approve the agenda as presented. Jim Marchetti seconded. All in favor, motion carried.

◆ **Approval of the April 28, 2021 Meeting Minutes**

The Chairman asked for a motion to approve the minutes of the April 28, 2021 meeting.

MOTION: Casey Wilson made a motion to approve the minutes as written. Chad Fields seconded. All in favor, motion carried.

◆ **Approval of the June 17, 2021, Special Meeting Minutes**

The Chairman asked for a motion to approve the minutes of the June 17, 2021 special meeting.

MOTION: Chad Fields made a motion to approve the minutes as written. Casey Wilson seconded. All in favor, motion carried.

◆ **Administrative Appeals Hearing**

Idaho Gutter and Shade Solutions--NOV ELE2102-0019 – With no representation for Idaho Gutter and Shade Solutions, the Board agreed to address the appeal after the last hearing.

Eric Lowe--NOV ELE2103-0014 – Eric Lowe represented himself, Electrical Program Manager Warren Wing represented DOPL, and Deputy Attorney General Spencer Holm was the facilitator. The Board approved Exhibits A through H (DOPL) and 1 (Mr. Lowe) for admission into the record. All parties were sworn in and provided testimony to ELE2103-0014, violation of IDAPA 24.39.10.450.03 *License or Registration*. A motion was made, and Mr. Lowe’s rights were explained.

MOTION: Jim Marchetti made a motion to deny the appeal. Chad Fields seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will generate a Final Order on Appeal for the Chairman’s signature and provide a signed copy to Mr. Lowe.

Clint M. Thompson--NOV ELE2103-0015 – Clint M. Thompson represented himself, Electrical Program Manager Warren Wing represented DOPL, and Deputy Attorney General Spencer Holm was the facilitator. The Board approved Exhibits A through F (DOPL) and 1 through 8 (Mr. Thompson) for admission into the record. All parties were sworn in and provided testimony to ELE2103-0015, violation of IDAPA 24.39.10.450.01 *Electrical Contractor*. A motion was made, and Mr. Thompson’s rights were explained.

MOTION: Greg Eagy made a motion to deny the appeal. Jim Marchetti seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will generate a Final Order on Appeal for the Chairman’s signature and provide a signed copy to Mr. Thompson.

Clint M. Thompson--NOV ELE2105-0003 – Clint M. Thompson represented himself, Electrical Program Manager Warren Wing represented DOPL, and Deputy Attorney General Spencer Holm was the facilitator. The Board approved Exhibits A through G (DOPL) and 1 through 5 (Mr. Thompson) for admission into the record. The Electrical Program Manager provided a voice recording; asking it to be entered into the record as Exhibit H. Mr. Thompson and the Deputy Attorney General stepped out of the room to listen to the recording. When asked, Mr. Thompson objected to the whole recording; however, did not have any legal bases in which to object. The Board opted to not listen, and Exhibit H was not entered into the record. All parties were sworn in and provided testimony to ELE2105-0003, violation of IDAPA 24.39.10.450.01 *Electrical Contractor*. Mr. Thompson withdrew his appeal. A motion was made, and Mr. Thompson’s rights were explained.

MOTION: Casey Wilson made a motion to deny the appeal. Rick Stark seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will generate a Final Order on Appeal for the Chairman’s signature and provide a signed copy to Mr. Thompson.

Prime Electric, LLC--NOV ELE2103-0018 – Jerad Moyle represented Prime Electric, LLC, Electrical Program Manager Warren Wing represented DOPL, Occupational License Inspector Bryan Mulleneaux was a witness for DOPL, and Deputy Attorney General Spencer Holm was the facilitator. The Board approved Exhibits A through H (DOPL) and 1 and 2 (Prime Electric, LLC.)

for admission into the record. All parties were sworn in and provided testimony to ELE2103-0018, violations of IDAPA 24.39.10.450.02 *Employees* and .05 *Supervision*. Jerad Moyle provided an additional exhibit marked 3; however, it was not approved for entry into the record. Mr. Moyle did not contest one apprentice working on the job site. A motion was made, and Prime Electric, LLC's rights were explained.

MOTION: Jim Marchetti made a motion to deny the appeal. Bob Scott seconded.

SUBSTITUTE MOTION: Greg Eagy made a substitute motion to deny the appeal; however, modify the civil penalty to \$1,000 for one apprentice working without direct supervision of a journeyman on the job site. Chad Fields seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will generate a Final Order on Appeal for the Chairman's signature and provide a signed copy to Prime Electric, LLC.

Electric Authority, Inc.--NOV ELE2104-0014 – Seth and Angela Stears represented Electric Authority, Inc., Electrical Program Manager Warren Wing represented DOPL, Occupational License Inspector Bryan Mulleneaux was a witness for DOPL, and Deputy Attorney General Spencer Holm was the facilitator. The Board approved Exhibits A through I (DOPL) and 1 (Electric Authority, Inc.) for admission into the record. All parties were sworn in and provided testimony to ELE2104-0014, violation of IDAPA 24.39.10.450.02 & .05 *Employees* and *Supervision*. The appellant requested, and the Board approved, two additional exhibits marked 2 and 3, for admission into the record. Board Member Jim Marchetti questioned, and Electrical Program Manager Wing itemized, the cost of the fine. A motion was made, and Electric Authority, Inc.'s rights were explained.

MOTION: Jim Marchetti made a motion to deny the appeal; however, reduce the fine to \$2,400. 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 and provide a signed copy to Electric Authority, Inc.

Russell Electric, LLC--NOV ELE2104-0042 – Doug Russell represented Russell Electric, Electrical Program Manager Warren Wing represented DOPL, Occupational License Inspector Bryan Mulleneaux was a witness for DOPL, and Deputy Attorney General Spencer Holm was the facilitator. The Board approved Exhibits A through E (DOPL) and 1 (Russell Electric, LLC) for admission into the record. All parties were sworn in and provided testimony to ELE2104-0042, violation of IDAPA 24.39.10.450.02 *Employees*. A motion was made, and Russell Electric, LLC's rights were explained.

MOTION: Jim Marchetti made a motion to deny the appeal. 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 and provide a signed copy to Russell Electric, LLC.

Idaho Gutter and Shade Solutions--NOV ELE2102-0019 (Cont'd) – The Deputy Attorney General asked if there was a representative for Idaho Gutter and Shade Solutions. Hearing none, the Board

was advised to make a motion to enter a Notice of Intent to take Default against Idaho Gutter and Shade Solutions.

MOTION: Rick Stark made a motion to enter into a Notice of Intent to take Default against Idaho Gutter and Shade Solutions. Chad Fields seconded. All in favor, motion carried.

ACTION: The Deputy Attorney General will generate the required documentation for the Chairman's signature and provide a signed copy to Idaho Gutter and Shade Solutions.

◆ **Milking Equipment Considered Industrial Machinery**

Idaho Code § 54-1016 (5) *Exemptions* states, "Approval and certification requirements of product and equipment as set forth in this chapter and in the adopted edition of the national electrical code do not apply to industrial machinery unless the board has made a determination that such product, machine or classes of products and machines present an undue hazard to life and property."

Electrical Program Manager Wing explained a company purchased computer numerical control (CNC) equipment from another country, which did not have the standard of approval by Underwriters Laboratories. The company went to the legislature where legislation passed allowing exemptions on industrial machinery. The definition of "industrial machinery" is already in the National Electrical Code, Article 670, which the Electrical Program Manager read. The Board was asked to determine if "Milking Equipment", or similar products, machine or classes of products and machines, present an undue hazard to life and property.

The topic will be brought to the October 2021 Board meeting as an action item.

ACTION: The topic *Milking Equipment Considered Industrial Machinery* to be addressed as an action item at the October 27, 2021 Electrical Board meeting.

◆ **Program Manager Report**

Zero-Based Regulations – The Board was provided a list of upcoming public hearings DOPL will host throughout the State of Idaho. The hearings will be an opportunity to address the reduction of barriers governing the construction trades, as well as gather input on the current electrical, building, energy, HVAC and plumbing laws and rules.

Expired Permits – The Division has been sending Notice of Violations to contractors that have not received final inspections.

IAEI Meeting – The International Association of Electrical Inspectors (IAEI) Northwestern and Southwestern Sections are holding a joint meeting. August 29, 2021 through September 2, 2021, in Sparks, Nevada.

NASCLA Exam – The Division is exploring an accredited examination program by the National Association of State Contractors Licensing Agencies (NASCLA) designed to reduce redundant licensing requirements and assist contractors who need to be licensed in multiple jurisdictions. Participating states will provide contractor mobility by allowing electricians the opportunity to cross state borders without having to take multiple electrical examinations.

Compliance Report – Kelly Lamp, NECA, questioned the large number of contractors that have been issued warnings on violations for “gross incompetence/willful violation of rules and statutes”. The definition of “Gross Violation” in IDAPA rule states, “In the case of continued, repeated or gross violation of Title 54, Chapter 10, Idaho Code, or these rules, a license revocation shall be initiated for licensees under this chapter and non-licensees shall be subject to prosecution by the appropriate jurisdiction under Idaho law.” Electrical Program Manager Wing explained contractors with 100 or more expired permits, due to never requesting/receiving a final inspection, are being issued this violation to deterrent contractors from continuing down this route.

◆ **Administration Report**

DOPL – Administration continues to work on the employee organizational chart, as well as work with the State of Idaho Human Resources to protect employee rights in the transition. Tenant improvements have begun in Building 4, which will house DOPL. It is now estimated the move to the Chinden Campus will be March or April 2022. There are two inspector openings: one in Twin Falls and one in Idaho Falls. The positions have been extremely hard to fill as the starting wage is not comparable to what is paid by the industry.

Administrative Rules – The Administrative Rules have been posted on the Administrative Rules website, and the link will be updated on the Division’s website in the near future.

Fiscal Report – The Electrical Board Fund, Fiscal Year 2021 Financial Statement as of 05/31/2021, was addressed.

◆ **Adjournment**

With no additional questions or comments, Chairman Scott asked for a motion to adjourn.

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

The meeting adjourned at 1:45 p.m. (MDT)

BOB SCOTT, CHAIRMAN
IDAHO ELECTRICAL BOARD

RON WHITNEY, ADMINISTRATION
DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSES

DATE

10/14/2021rb

DATE