

**Board of Electricity  
Meeting Minutes  
March 11, 2008  
Minnesota Room – Department of Labor and Industry  
443 Lafayette Road North, Saint Paul 55155  
[DLI.CCLDBOARDS@State.MN.US](mailto:DLI.CCLDBOARDS@State.MN.US)**

**Members Present:**

James Freichels  
Kim Huxford  
Daniel Klein  
Richard Owen  
Douglas Fingerson  
Anthony Toft  
John McConnell  
John Schultz (DLI Commissioner's Designee)  
Tom Seanger  
Joe Vespa

**Members Absent:**

Timothy Malooly  
Jay Lewis

**Members Available by Teleconference:**

None

**Staff Present:**

Wendy Legge  
Annette Trnka

**Visitors:**

Gary Thaden  
Judi Rubin  
Tony Maghrak

**I. Call To Order – James D. Freichels**

The meeting was called to order by James Freichels at 10:01 a.m. and role was taken.

**II. Approval of Meeting Agenda**

A motion was made by Seanger and seconded by Owen to approve the meeting agenda. All voted in favor and the motion passed.

**III. Approval of Previous Meeting Minutes**

A motion was made by Toft and seconded by Klein to accept the previous Meeting Minutes. During discussion, Wendy Legge made a correction on page three under "Open Forum" to strike the phrase "to comply with open meeting law." Toft made a motion, seconded by Klein to accept the amended Minutes. The vote was unanimous and the motion passed.

**IV. Regular Business**

**a. Expense Approval**

- i. A motion was made by Owen and seconded by Vespa to approve Expense Reports and Per Diems. The vote was unanimous and the motion passed.

**b. Electrical Licensing**

i. Review the status of Rulemaking

1. Chapter 1315.0200. Legge reviewed the status of the adoption on the 2008 NEC. The Governor's Office has approved the publication of a Dual Notice of Intent to Adopt the Rules. The earliest date the Board of Electricity could hold a hearing would be Monday, May 12<sup>th</sup>. Since the Board already has the Minnesota Room booked for a Board of Electricity Meeting on Tuesday, May 13<sup>th</sup>, the hearing could be scheduled for that day if the Board receives 25 or more requests for a hearing. Wendy Legge sent the Request to the Office of Administrative Hearings March 11, 2008. The Administrative Law Judge (ALJ) will assign a Judge for the hearing, because Wendy made sure a Judge is available on May 13<sup>th</sup>. Also requested is approval for the Additional Notice Plan, which was set forth in the SONAR. Once the Judge is assigned and gives approval for the Notice Plan, then the Dual Notice will be submitted, with the Judge's name added, to the State Register by March 19<sup>th</sup> at noon, for publication on March 31<sup>st</sup>. There would be 30 days after the publication for comment and requests for a hearing which would end April 30<sup>th</sup>. If there are 25 or more requests for a hearing, then the hearing would be set for May 13<sup>th</sup>. If there are under 25 requests for a hearing, the hearing would be cancelled and the Board could proceed to submit the necessary documentation to the ALJ for review. The possible effective date could be July 1<sup>st</sup>, if there is no hearing.
2. Chapter 3800. The status of this Rule is in the beginning of the process. The Request For Comments was published in the State Register on February 25, 2008. Wendy Legge gave a reminder that when the Legislature gives a Board new rulemaking authority, a dual notice must be published within 18 months of being given that authority, or the Board loses the right to make new rules for the authority given. For registration of unlicensed workers, a dual notice needs to be published no later than December 29, 2008, or the Board loses authority to adopt rules for this area.

**c. Continuing Education**

- i. Review the status of Rulemaking.
- ii. Review continuing education rules – Seanger made a motion, seconded by Klein to have Schultz and Freichels draft language regarding Continuing Education and Registration of Unlicensed Workers. The vote was unanimous and the motion passed.

**d. Enforcement**

Malooly was not available for comment, but Freichels stated that Malooly is still working with Charlie Durenberger in regards to getting a form together for the unlicensed workers.

**V. Special Business**

**a. Reciprocal agreements**

- i. Update on South Dakota's ICC exam. Schultz gave an update on SD's ICC exam.

**b. DOLI Cleanup Bill**

- i. House File Number 3034 and companion Senate File 2926 were reviewed.
- c. **Other Legislature Bills**
  - i. Bill creating Residential Contractors Board. This Bill has a continuing education portion that seems to conflict with Electrical. This Bill will most likely not pass this year, but seems to be more of an introduction to get feedback.

## **VI. Committee Reports - None**

## **VII. Complaints - None**

## **VIII. Open Forum**

Tony Maghrak, Minneapolis Electrical JATC, stated he had several questions regarding apprenticeship and being able to track the status of their apprentices as they go through the application process. Now with the new online application, it's difficult to stay in the loop. There are no longer reports that come from the Department of Labor and Industry, and he was wondering if there's a way that those reports could be obtained again. Schultz recommended that Mr. Maghrak speak with either Kevin Wilkins or Steve Hernick. Mr. Maghrak then asked about people who have a military background asking the JATC how much credit will be awarded towards their test. The JATC steers those people back to the Department of Labor and Industry and it is Mr. Maghrak's understanding that those military persons have to apply to take the test before the determination will be made. Mr. Maghrak wanted to know if there's a way to find out ahead of time how much of the maximum 12 months will be awarded for their military service. Schultz stated that the maximum 12 month military experience credit is based on the DD-214, but in some cases the individual may not have that because they haven't been discharged and are still considered active, especially if they're in the National Guard. It must be either verified by either the DD-214 or through Military verification, so an applicant's qualification won't be assessed without application.

Wendy Legge wanted to follow up on the e-mail discussion from the last Board meeting to clarify that when communicating with other Board Members by e-mail, no decisions on Board business can be made.

Owen then asked what the status of unlicensed person's registrations, if the cards have gone out. Schultz stated that there are a significant number (in the thousands) that have registered and that it's been instructed that as individuals submit their registration, that they keep a copy of that registration to be used as evidence that they have made application. Schultz stated that his understanding is that the Department is fairly up to date on processing the registration applications.

## **IX. Board Discussion**

Toft asked for clarification on the post amendment to the Rules where it states "and other persons who perform electrical work, except for those individuals licensed under Minnesota Statutes section 326.02, subdivisions 2 and 3," asking who those people would be. Wendy Legge stated that those are the people covered under the Board of Architects,

Engineers, etc. Toft then asked about interpretation of the Rules, stating that a question had come up from an inspector regarding 3800.3770, roughing inspection of wiring to be concealed. If the ceiling has already been dropped in, and the inspector needs to inspect the wiring above the ceiling, the interpretation tends to be from the Board that is “covered and not concealed.” Toft asked if the Board has authority over interpretations such as the previous example, as the Rule states that where wiring must be concealed, the inspector must be notified. What Toft is hearing from the Department of Labor and Industry is that the wiring is not concealed, it’s just covered and to get a ladder and stick your head up above the ceiling. Schultz stated that this issue is really a communication issue and there needs to be communication and cooperation between both sides. Legge stated that there are two possible ways to handle interpretations. One is if there is a formal request for Final Interpretation under section 16b.63, subdivision 5, the Board would have authority to review that request and issue a Final Interpretation. The other way to make an interpretation is by Rulemaking. However, this Board does not have authority over this particular issue because it’s not covered by a Rule.

Seanger asked if number of requests for inspections is drastically down. Schultz responded that it’s not drastically down, although there has been a decrease.

Fingerson then asked if there was data that came out on a regular basis of the numbers of inspections done and the number of licenses issued. Schultz replied that it had been provided previously and after the CCLD has the new system in place, it should become available again.

## **X. Announcements**

### **a. Next Regularly Scheduled Meetings**

- i. Tuesday, April 8, 2008, 10:00 a.m. – Minnesota Room, DLI
- ii. Tuesday, May 13, 2008, 10:00 a.m. – Minnesota Room, DLI (May be replaced by a Hearing at 9:30 a.m.)

## **XI. Adjournment**

A motion was made by Klein, seconded by Toft to adjourn the meeting of the Board of Electricity. The vote was unanimous and the motion passed. Board adjourned at 10:55 a.m.

Respectfully Submitted,

*Douglas Fingerson*

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