

**Board of Electricity
Meeting Minutes
January 8, 2008**

**Minnesota Room – Department of Labor and Industry
443 Lafayette Road North, Saint Paul 55155**

DLI.CCLDBOARDS@State.MN.US

Members Present:

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

Staff Present:

Patricia Munkel-Olson
Annette Trnka
Kevin Wilkins
Charles Durenberger

Visitors:

Tony Maghrak
Dan McConnell
Judi Rubin
Gary Thaden

Members Available by Teleconference:

None

Members Absent:

None

I. Call To Order – James D. Freichels

The meeting was called to order by James Freichels at 10:04 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 Klein and seconded by Huxford to accept the previous Meeting Minutes. All voted in favor and the motion passed.

IV. Regular Business

a. Expense Approval

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

b. Electrical Licensing

- i. Review the status of Rulemaking
Pat Munkel-Olson requested that the Electrical Licensing and the Continuing Education Rulemaking be addressed together. Approval was given by the Chair. There are three Rulemakings ongoing right now. The status of the Adoption of the National Electrical Code is that the Revisor's Office has approved the draft Rules for publication. Also, the Governor's Form and the SONAR are in the process of being reviewed by John Schultz and Annette is contacting the Department of Finance. The other two Rulemakings – the Electrical Licensing and the Continuing Education Rules are still in a review stage of documents by Counsel and Wendy Legge will take the necessary steps to forward them and will be able to update the Board at the next meeting.

c. Continuing Education

- i. Review the status of Rulemaking
- ii. Review continuing education rules
Included in item IV(b)(i). A Request for Comments on continuing education is being developed.

V. Special Business

a. Reciprocal agreements

- i. Review language for reciprocal agreements with North Dakota, South Dakota and Nebraska. Schultz stated that the states of North Dakota, South Dakota and Nebraska have all responded regarding the Reciprocal Agreement at the Master Level that they are interested in continuing those agreements. Schultz then brought to the attention of the Board that it appears that South Dakota has changed their licensing procedure process recently and are using the ICC exam along with a limited number of other states. Texas is one of the states that is using the ICC developed exam. Schultz pointed out that Texas doesn't require an applicant to be approved prior to taking the exam and you don't have to go to Texas. It appears that the Texas exam has the same item data base as South Dakota, leading to exam integrity issues.

Seanger made a motion, seconded by Lewis that Schultz contact the State of South Dakota and voice the Boards' concerns about the ICC exam to Ron Nagel and report back to the Board at the next Board meeting. The vote was unanimous and the motion passed.

- ii. Update on information gathered on the Jeffrey Hill Letter dated 4-25-07, regarding TX licensing requirements. Schultz stated the pass rate for Texas is

likely low because anyone could take the exam without prior qualification. Toft asked if the Board has to consider Texas, because Texas doesn't meet the criteria outlined in Minnesota Statutes. Toft asked if Counsel could determine whether Minnesota's requirements are met by Texas and Patricia Munkel-Olson said that she would request that Wendy Legge respond.

- iii. Revisit approval of Texas as a member of the Multi-State Reciprocal License Agreement. Seanger made a motion and was seconded by Klein to table the discussion until the next Board meeting when Schultz will have further information. Toft, McConnell, Lewis and Owen voted nay. Freichels, Fingerson, Vespa, Seanger, Huxford, Malooly, and Schultz voted aye. The majority ruled and the motion passed. McConnell then made a motion, seconded by Toft, for Counsel to make a determination of whether Texas meeting Minnesota Statute requirements on exams and qualifications. The vote was unanimous and the motion passed.

VI. Committee Reports - None

VII. Complaints

a. Discussion on Enforcement

The Chair called for a break at 10:48 to allow for D.O.L.I. employee Charlie Durenberger to join the discussion. Meeting re-convened at 11:00 a.m.

i. DLI Role

Prior to the new laws being adopted, if an unlicensed entity was found to be doing work that a license was required for, one of the only actions that could be taken was to issue a "Cease and Desist" order. The new laws allow DLI to set a specific fine if it's shown that the unlicensed entity continues working after being given a "Cease and Desist Order." The entity would then have 30 days to request a hearing and if one is not requested during 30 days, the Order would become final. The standing difficulty is proving that an entity is doing the work without a license. DLI cannot entrap them or lie to them about who we are, and the unlicensed entity won't usually volunteer incriminating information. The Department of Labor and Industry has an electrical investigator, Toni Harvey, who investigates claims of "working without a license."

ii. Industry's Role

One of the most important things that those in the industry can do is to submit credible complaints. The complaint should consist of who was doing what kind of work, and the location of the work done. Employers should also ensure that those employees they hire are licensed for the type of work they are hired to be performing.

Gary Thaden suggested that the Department of Labor and Industry use their newsletter to list what the DLI is doing on enforcement and how those in the industry could help by listing what the DLI needs for a credible complaint. Mr. Thaden also suggested that State Inspectors be given a bigger incentive for reporting those in non-compliance.

Complaints are on the Agenda, as listed in the By-Laws, for all regularly scheduled Board of Electricity meetings.

VIII. Open Forum

Kevin Wilkins stated that The Department of Labor and Industry has changed the method by which Electrical Exams are being scheduled. He passed around a copy of the on-line screen that is being used. Because of the sheer volume of the Power Limited Exam applicants coming in, there was no way for existing staff to handle the thousands of phone calls from applicants. An e-mail tool was developed and put on the web site so that individuals could make requests for exam information and makes available more information than was available in the past. The availability of one more exam day per week is going to be made available starting sometime in February. There is also going to be a room (roughly the size of the Minnesota Room) that will be designated at The Department of Labor and Industry as an exam site which will handle Plumbing, Electrical and Boiler exams.

IX. Board Discussion

Lewis asked when a permit request is sent in, are permit numbers provided back to the filer? Schultz stated that filing a Request for Electrical Inspection is different from submitting a permit application in that no approval is required to perform the work. Also, the more important information is the address where the electrical work is being performed, not the serial number. The time frame for processing Request for Electrical Inspections is currently three weeks, depending on volume.

X. Announcements

a. Next Regularly Scheduled Meetings

- i. Tuesday, February 12, 2008, 10:00 a.m. – Minnesota Room, DLI
- ii. Tuesday, March 11, 2008, 10:00 a.m. – Minnesota Room, DLI

XI. Adjournment

A motion was made by Seanger, seconded by Owen, to adjourn the meeting of the Board of Electricity, the vote was unanimous and the motion passed. Board adjourned at 12:26 p.m.

Respectfully Submitted,

Douglas Fingerson

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