

Meeting Minutes: Board of Electricity

Date: July 8, 2025
Time: 9:00 a.m.
Location: DLI, 443 Lafayette Road No., St. Paul, MN 55155 | WebEx | Phone

Members present

1. Keith Colvard
2. Alfreda Daniels Juasemai
3. Thomas Fletcher
4. Cole Funseth – WebEx
5. Sarah Gudmunson (Vice Chair)
6. Steve Haiby
7. Jeff Heimerl
8. Dean Hunter (CO's Designee)
9. Travis Thul – WebEx
10. Trevor Turek (Chair)
11. Desiree Weigel (Secretary)

Members absent

None

DLI staff & visitors

Jeff Lebowski (Board Counsel)
Lyndy Logan (DLI)
Todd Green (DLI)
Daniel Becker (DLI) – WebEx
Mark Hunter (DLI)
Eric Krahmer (DLI) – WebEx
Hannah Mardaus (DLI) – WebEx
Logan Mardaus (DLI) – WebEx
John McNamara (DLI)
Ken McGurran (DLI)

DLI staff & visitors continued...

Sean O'Neil (DLI)
Amanda Spuckler (DLI)
Erik Zercher (DLI)
Jessica Ackerman (U of M)
Clara Albert (Electrical Association) – WebEx
Chris Bergmann (KFI) – WebEx
Matt Burmeister (Andersen Corp) – WebEx
Cody Case (Rasky) – WebEx
Chris Daly (Anderson Corp) – WebEx
Michelle Dreier (Electrical Association) – WebEx
Jess Duncan (WH Security) – WebEx
Jim Freichels (Dell) – WebEx
Grace Greene (Housing First)
Joel Hanson (MNABC) – WebEx
Randy Klossner (City of St. Paul) – WebEx
Jeff Kunkel (Kunkel Electric) – WebEx
Joe Kunkel (NE Electric) – WebEx
Tim Kunkel (Kunkel Electric)
Josiah Moore (DLI)
Greg Newson (Entegris) – WebEx
Jeff Peper (Arch Key/Parsons)
Paul Reese
Ryan SanCartier (NECA)
Troy Swigart (Signature Electric) – WebEx
Jamie Quenzer (Electrical Assoc.) – WebEx
John Williamson – WebEx

1. **Call to Order**

- A. **Roll Call:** Vice Chair Turek called the meeting to order at 9:04 a.m. Secretary Weigel took the roll call, and a quorum of 11 of 11 voting members was declared. A quorum was maintained throughout the meeting.
- B. **Announcements/Introductions – Vice Chair Turek**
 - Everyone present in person and remotely can hear all discussions.
 - All votes will be taken by roll call if any member is attending remotely.
 - All handouts discussed and WebEx instructions are posted on the [Board's website](#).
- C. WebEx instructions/procedures were explained.

2. **Approval of Meeting Agenda**

Fletcher made a motion, seconded by Heimerl, to approve the agenda as presented. The roll call vote was unanimous, with 11 votes in favor of the motion; the motion carried.

3. Approval of Previous Meeting Minutes

Heimerl made a motion, seconded by Weigel, to approve the April 8, 2025, regular meeting minutes as presented. The roll call vote was unanimous, with 11 votes in favor of the motion; the motion carried.

4. Regular Business

A. **Expense Approval** – Expense reports will be forwarded to Financial Services for payment.

B. **Enforcement & licensing update – Sean O’Neil**

- Electrical Enforcement Actions can be found on the department’s website at:
<http://www.dli.mn.gov/business/electrical-contractors/electrical-enforcement-actions>.
- **Licensing Unit/License & Registrations**

○ Electrical contractors	2,663
○ Registered employers	449
○ Technology systems contractors	868
○ Master electricians	6,178
○ Journeyworker electricians	12,094
○ Registered unlicensed electricians	15,582
○ Power-limited technicians	3,899
○ Registered unlicensed PLT	5,597
○ Sign contractor bond	116
○ Exams administered YTD 2025 (all trades) by Licensing staff	4,797
○ Electrical exams administered YTD in 2025	1,162
○ Master (295) , journey worker (735) , power limited technician (PLT) (132)	
- **Enforcement Unit**

○ Active electrical investigations	155
○ Orders issued YTD in 2025	53
▪ Suspension orders for child support deficiencies are not published	
○ Investigations closed	111
- [See CCLD’s Newsletter](#) to view contractors who have been penalized for working without proper licensing or bonding and failing to finish projects after getting paid.

Exam Activity & Pass Rates

- High volume of exams administered, especially for boiler and electrical trades.
- New metric: pass rates are now calculated per individual, not per exam attempt.
- Results: Pass rates utilizing the per individual metric reflect a higher pass rate (e.g., Master exam ~79–83%, Journeyworker ~77–88%).
- Some individuals take exams 10+ times, skewing previous metrics.

Power Limited Technicians (PLTs)

- 2024 pass rate ~73%.
- Increase in both the number of exams and the number of individuals taking them.

Dashboard & Data Access

- Internal dashboard developed to analyze exam trends.
- Not publicly accessible, but the board can request specific metrics.
- No demographic data collected by the department.

Action Items

- O’Neil to create a quarterly one-pager summarizing exam metrics for easier board review.
- Continue refining the internal dashboard and sharing insights with the board.
- Board members were encouraged to request additional metrics if needed.
- No current plan to collect demographic data; the department only gathers basic personal info.

Exam Metrics Clarification

- **Heimerl** emphasized the importance of still tracking individual test pass rates (e.g., 33% pass rate per test).
- **O'Neil** confirmed:
 - New metric counts only individuals who eventually pass (not repeat failures).
 - Old data (per exam attempt) is still maintained and available upon request.

Enforcement Concerns

- **Heimerl** raised concerns from the field that inspectors may be blocked from initiating enforcement actions.
- **O'Neil** clarified:
 - Enforcement requests typically come from electrical supervisors.
 - Cannot speak to internal routing specifics.
- **Hunter** confirmed:
 - No prohibition exists against inspectors reporting violations.
 - Supervisors use discretion based on severity (e.g., unlicensed activity vs. minor oversight).
 - Encouraged reporting if there's evidence of suppression or mishandling of inspector input.

Board Oversight Emphasis

- **Heimerl** stressed the board's role in ensuring safety and the importance of trusting inspectors' judgment. Reiterated that inspectors were hired for their credibility and should be empowered to raise concerns. **Hunter** replied yes, exactly.

Demographic Data

- Daniels questioned why demographic data isn't collected, especially since it was previously requested for a federal grant, which CCLD did not pursue for unrelated reasons. She emphasized the public value in understanding who is taking licensing exams.
- O'Neil agreed to raise the issue with leadership and report back at the next board meeting.

C. **Inspection update – Dean Hunter** – see **Attachment A**.

5. Special Business

A. Officer nominations – turn meeting over to Dean Hunter, Commissioner's Designee

a. Chair

Sarah Gudmunson and Travis Thul nominated Trevor Turek. There were no other nominations. The roll call vote unanimously approved Turek as the Board Chair.

b. Vice-Chair

Jeff Heimerl nominated Sarah Gudmunson. Travis Thul nominated himself as Vice Chair. There were no other nominations. The majority vote ruled with 10 in favor and one abstention (Gudmunson); Gudmunson will serve as the Vice Chair.

c. Secretary

Travis Thul and Trevor Turek nominated Desiree Weigel. There were no other nominations. The roll call vote unanimously approved Weigel as Secretary.

The meeting was turned over to the newly elected Chair Turek

B. Construction Codes Advisory Council representative and alternate – Chair Turek

Desiree Weigel was assigned as the representative, with Alfreda Daniels Juasemai to serve as her alternate

C. **Requests for Interpretation – Tim Kunkel**

210.8 (A) (6) and 326B.127 – see **Attachment B**

- **Kunkel** argued that sections 90.2(B) and 90.4(B) supported his position, anticipating the issue would resolve under 90.4(B). He stated that the board had granted what he believed was blanket permission—originally framed as “special permission”—without public input or contractor feedback. He criticized the lack of transparency, saying the process damaged time, money, and reputation, and discouraged open dialogue. The board provided no guidance except via the code book and its website, which he claimed lacked the relevant details. Kunkel asserted that special permission had not been granted case-by-case but issued department-wide without oversight, allowing removal of GFCI protection via a form. He argued that removing GFCI protection did not meet equivalent safety objectives and was not justified within code guidelines. He emphasized that TIAs (Tentative Interim Amendments) should have guided such decisions, not informal department emails. He mentioned a 1.5-year-old email from Mr. Hunter outlining protocol, which had not been widely distributed, disadvantaging contractors. Kunkel reported that he had followed a TIA addressing GFCI removal, which had been rejected nationally for lacking emergency merit and necessity. He acknowledged that Mr. Hunter had successfully submitted a TIA to NFPA, which helped clarify and equalize the rules. A subsequent TIA from panel 2 was denied, with no explanation, and Kunkel felt the state should have acknowledged or responded to that outcome. He warned of serious safety risks—electrocutions not just from appliance frames, but receptacles directly—and criticized removing GFCI protection based solely on manufacturer limitations. Exhibit D highlighted a hearing on the 2020 NEC adoption. Kunkel called out the board’s inconsistent stance—previously endorsing national codes, now seemingly bypassing them. He urged the board to either follow national adoption or open the process to contractor amendments and public participation. Kunkel concluded with openness to further discussion based on Mr. Hunter’s comments.
- **Hunter** summarized and provided a presentation to respond to the requests for interpretation – see **Attachment C**. He said he acknowledged and appreciated contractor participation and emphasized the importance of public forums for feedback. He publicly addressed email correspondence from Mr. Kunkel, calling the tone unprofessional and criticizing the blind copying of recipients. He emphasized that respectful communication was always welcome. He admitted to missing an email from February 17, 2025, and explained the volume of correspondence he managed weekly. He clarified it didn’t prevent ongoing communication. Hunter outlined the process for Request for Interpretation (RFI), stating it began with local inspectors, then escalated to supervisors, and finally involved collective decision-making by enforcement staff. He underscored that decisions weren’t made independently by him. He asserted that his position was consistent, referencing a prior statewide inspector meeting and an email sent to all inspection staff two years earlier. Regarding NEC section 210.8(A)(6), Hunter explained how GFCI protection requirements evolved: In the **2020 code**, GFCI protection was limited to receptacles within six feet of a sink and kitchen countertops. In the **2023 code**, GFCI protection was extended to include *all* kitchen receptacles, including 250-volt receptacles, and hardwired appliances like electric ranges, wall-mounted ovens, and counter-mounted cooking units. He described industry pushback prior to 2020 but emphasized that widespread field impact wasn’t clear until after code adoption.
- **Travis Thul** stated that, based on his understanding, the peak volume of GFCI-related requests for noncompliance with hardware had been fewer than six hundred. He noted a downward trend in such requests and clarified that these specific cases were classified under the “special permission” criteria outlined in the NEC. He sought confirmation on this interpretation. **Hunter** confirmed that Thul’s understanding was correct.
- **Thul** added that, according to current estimates, the total number of requests would likely be around four hundred for the year, or possibly less, with the downward trend continuing. He wanted to confirm that special permission cases were indeed in the hundreds and decreasing. He

also asked how larger states like Texas and California were handling similar issues, suggesting their volumes were likely much higher.

- **Hunter** responded that several states had chosen to amend out the 250-volt GFCI protection requirements from their codes. He admitted he didn't have exact numbers but explained that in the tri-state region—including North Dakota, South Dakota, and Iowa—there appeared to be consistency. However, across the country, there were numerous jurisdictions where the requirements had been modified. He emphasized that Minnesota had a unique situation due to its statewide code adoption, while many other states left adoption decisions to local jurisdictions. He acknowledged the difficulty of collecting accurate comparisons nationwide but underscored Minnesota's proactive role in supporting contractors and homeowners. He believed the department should lead from the front and focus on compliance while also offering practical solutions.
- **Thul** concluded that the central issue seemed to be whether the current special permission model remained the appropriate approach, especially given Mr. Kunkel's concerns. He sought confirmation of this summary. **Hunter** affirmed Thul's conclusion.
- **Chair Turek** thanked Thul and added that some states, like California, were as many as two code cycles behind, meaning Minnesota was helping address emerging issues before those states even adopted the latest standards. **Thul** responded in agreement.
- **Jeff Heimerl** expressed concern that the declining numbers might not accurately reflect industry practice. He suggested that, similar to past issues with testing, the apparent improvement could be misleading. He suspected that some electricians were bypassing the approval process entirely and installing outdated breakers without submitting the required forms. He clarified that he did not object to Mr. Kunkel's email communications as Hunter did—in fact, he found the pre-meeting correspondence helpful. His primary concern was that if the trend data were misleading, safety could be compromised due to untracked installations. He emphasized the importance of inspections, permitting, and safety compliance as a board member.
- **Hunter** responded by reiterating that the department prioritized compliance, though sometimes violations occurred after the fact. He acknowledged that individuals could remove GFCI protection post-installation, especially where devices like freezers and refrigerators were involved. He emphasized that while the department did its best, it was not an enforcement agency capable of policing every installation retroactively.
- **Tom Fletcher** asked whether it was appropriate to direct a question to the board's attorney and raised two concerns: whether Dean Hunter, as chief inspector, was authorized to issue guidance, and whether withholding that guidance from broader publication was fair to contractors unaware of the option.
- **Jeff Lebowski** responded that Hunter and the department had legal authority under the NEC to act as they did. He clarified that the board set the rules, and the department enforced them, which included discretionary enforcement. He emphasized that past situations—such as the lack of GFCI units in 2020—were handled similarly, with delayed enforcement. He warned that formal rule changes under Minnesota's APA would take years and that the permissive language in the NEC allowed flexibility. Legally, he saw no issue but acknowledged public confusion and supported clearer communication.
- **Fletcher** summarized that when codes were adopted, unforeseen consequences sometimes necessitated temporary flexibility in enforcement.
- **Lebowski** agreed and highlighted the complexity due to nationwide appliance manufacturing issues. He noted that despite the department's best efforts, they lacked jurisdiction over manufacturers and stressed shared frustration across stakeholders.
- **Thul** asked whether Mr. Kunkel's concern was about unauthorized special permission or simply poor statewide communication of those permissions.

- **Kunkel** clarified that he did not consider the email guidance to be proper special permission because it lacked clear instructions, notice to inspectors, defined timeframes, or scope of applicability (such as for commercial kitchens). He emphasized that contractors couldn't follow or benefit from provisions they were unaware of and that the failed TIA left them without recourse until they discovered the email over a year later. His primary concern was access to clearly published rules and exceptions.
- **Heimerl** supported the broader dissemination of information to ensure contractors operated on an equal footing statewide. He acknowledged Dean Hunter's case-by-case approach but advocated for publicly sharing the process to promote compliance. He recognized that widespread publication might lead to increased submissions but saw value in tracking frequency and improving transparency.
- **Weigel** expressed concern that she had never received the NEMA incident report information despite her statewide role. She noted inconsistencies in inspection practices and pointed out instances where manufacturers included GFCI conflicts in installation instructions, potentially violating code.
- **Hunter** agreed with Weigel's concerns and admitted limitations in direct outreach, saying he shared the guidance when asked and had presented it publicly. He resisted issuing a blanket exception to avoid triggering formal rulemaking. He compared the GFCI issue to previous HVAC industry-wide challenges, stating that the current problem affected only a small percentage and thus warranted a case-by-case response. He emphasized that concessions were part of everyday inspections, and formalizing everyone would overwhelm the board.
- **Haiby** asked whether special permission should be handled by local inspectors or regional representatives.
- **Hunter** clarified that special permission was under the authority having jurisdiction (AHJ), which included municipal and local inspectors, not just himself. He reiterated that AHJs were aware of the process and empowered to act.
- **Haiby** stressed the importance of preparing for similar challenges in future code cycles and recommended reinforcing the AHJ's role in communication and decision-making.
- **Hunter** confirmed that their process followed this model and pointed to the department's NEC FAQ page as a resource for interpretations. He explained that the GFCI range issue was excluded due to its status as a special permission, but referenced other examples—like island receptacle provisions—that were included to offer clarity.
- **Kunkel** emphasized that contractors had been left at a disadvantage due to the intentional decision not to publicly announce the special permission related to GFCI protection removal, with key information shared only through a paid association and directly with appliance manufacturers, creating an uneven playing field, potential safety risks for unaware homeowners, and confusion over who held authority to grant such permissions—whether it was the board, the department, or Dean Hunter. Fletcher reiterated his earlier motion, proposing that the board recommend the Department of Labor and Industry issue a public communication to Minnesota's electrical contractors outlining the department's protocol for handling unwanted GFCI tripping related to appliances.
- **Colvard** responded by acknowledging the motion's relevance to range-specific cases but suggested a broader approach to documenting and communicating the exception process described by Dean Hunter. He emphasized the challenge of reaching all contractors and questioned the scalability of disseminating such guidance. Colvard acknowledged potential risks of widespread interpretation—some contractors might misuse the exception, while others might

use it appropriately. He ultimately supported Hunter's procedural approach but believed clearer communication was necessary. He explained that while contractors were personally responsible for understanding code, the process for resolving ambiguity began with the inspector and escalated through the department to the board. He considered the board to be the final authority on such matters.

- **Thul** focused on the safety implications, assuming the NEC accurately reflected those concerns. He asked whether the department's current protocol had an expiration timeline or whether it would remain effective until a new NEC cycle overruled it, assuming appliance manufacturers addressed compatibility issues.

RFIs 210.8 (A) (6) and 326B.127: A motion was made by Tom Fletcher, seconded by Travis Thul, to recommend that the Department of Labor and Industry publicly communicate with Minnesota Electrical Contractors the department's recommended protocol for unwanted GFCI tripping on appliances. The majority roll call vote ruled with 9 votes in favor, one against (Haiby), and one abstention (Hunter); the motion carried.

RFI 230.67 (A) & 215.18 (A)

- **Kunkel** requested clarification on an exception to surge protection outlets in dwelling units. He stated that inspectors had informed him of a departmental decision allowing omission of surge protection at an interior panel located within five feet—or directly behind—a meter-main panel with integrated surge protection installed outside. He questioned the legitimacy of this exemption, expressing doubt that the code supported it.
- **Hunter** clarified that the RFI focused on surge protection requirements for dwelling units, dormitories, guest rooms, and guest suites. He explained the department's interpretation of the code, particularly section 230.67(B), which allowed surge protection to be located at the distribution equipment rather than at the service entrance. He emphasized that this was an interpretation—not an exception—based on proximity and intended load coverage. Hunter outlined three scenarios: services mounted on a pole in rural settings, meter mains located on exterior walls, and farm panels with through-the-wall feed-through to interior distribution panels. In each case, he supported placing the SPD at the exterior distribution point when the wire distance to interior panels was minimal, aligning with the intent to protect branch circuits efficiently without requiring multiple SPDs. He further noted that placing surge protection outside supported future load additions and reduced the need for redundant devices inside the home. Hunter acknowledged that the rule's broad language on "distribution equipment" made it impractical to cover every scenario in the FAQ. Instead, he reaffirmed that the department's interpretation allowed flexibility without formally creating new exceptions.
- **Kunkel** inquired whether code required surge protection in a secondary panel if it was back-to-back with a main panel that already included it. He described a common setup where a 42-space panel with integrated surge protection fed a 12-space sub-panel and questioned the need for additional protection. Upon Hunter's confirmation that surge protection wasn't necessary in such proximity, Kunkel expressed that this interpretation had not been consistently applied. He emphasized that clear, published guidance would have saved him significant costs and requested formal documentation to reference in the field.
- **Hunter** clarified that the code referenced distribution equipment broadly under sections 230.67 and 215.18. He stated that the intent was not to require redundant surge protection for closely connected panels and explained that the determination depends on proximity and scenario specifics. He reiterated that decisions must be made by local authorities having jurisdiction (AHJs), not centrally. When pressed for a clear rule, he deferred to inspectors, emphasizing the need for field discretion. He agreed to compile examples and publish them in the FAQ to promote transparency.

- **Weigel** asked whether "distribution" was clearly defined in the code, to which Hunter responded that it wasn't defined. **Turek and Lebowski** sought clarity on whether Kunkel wished to withdraw his request for information (RFI). They noted the board would require help drafting a motion if the issue wasn't withdrawn.
- **Kunkel** stressed the importance of consistent interpretation and transparency from the Department of Labor and Industry and the Board of Electricity. He requested official guidance to ensure inspectors and contractors were aligned. He conditionally agreed to withdraw his RFI if Hunter committed to publishing a clarification.
- **Hunter** agreed, stating he would draft multiple applicable scenarios for inclusion in the FAQ.
- **Kunkel then withdrew the RFI with that assurance.**

Travis Thul departed the meeting at 11:15 a.m., resulting in 10 voting members present in person or remotely.

- D. 2026 NEC update and upcoming board committee meetings – **Dean Hunter**
- **Hunter** explained that two weeks prior, the NFPA had completed the NITMAM process for the 2026 NEC, and that several TIAs were expected to address ground fault protection issues tied to EVSE equipment. He noted that SPGFCI was likely to be adopted as an alternative, allowing for higher-frequency trip thresholds that aligned better with the equipment. He noted that the department had already submitted concerns during the comment phase, and he believed those issues were being resolved. He stated that the next step in the process was for the Standards Council to complete its review.
 - Hunter anticipated a two to three-hour initial meeting to review the changes, which would be open to the public. The second committee meeting would center on cost analysis and debate, while the third would address public input and finalize the group's recommendations for the board. He expected the project to gain momentum around September.
 - 2026 NEC Code Adoption Committee members: **Dean Hunter, Desiree Weigel, Travis Thul, Jeff Heimerl, Trevor Turek, and Sarah Gudmunson.**

Alfreda Daniels departed the meeting at 11:30 a.m., resulting in 9 voting members present in person or remotely.

- E. Minnesota Rule 3800 and 3801 rulemaking – **see Attachment C (presentation), D (chapter 3800), and E (chapter 3801)**
- **Hunter** reported that fee changes had completed the legislative process and were posted online. He noted the revisor's site would soon reflect updates for the 2025 legislative session and emphasized the importance of referencing the top of the webpage for current enacted legislative information. He explained that rulemaking for Chapter 3800 fell under the board's authority, while 3801 falls under department rules, along with the statutes, which are legislative actions, that make up the Electrical Act. The board planned to vote on opening rulemaking for 3800, which would impact rules in 3801.
 - **Hunter** said there are two **primary changes proposed for 3800**:
 - Removal of experience documentation for exempted non-licensed entities via site visits. Hunter stated that site visits couldn't reliably verify electrical work hours and might compromise licensing integrity, particularly in exempt areas like federal facilities or the mining industry.
 - Relocation of training program requirements from 3801 to 3800, aligning licensure standards under board oversight and making editorial updates.

- Hunter said, in **3801, changes addressed electrical equipment listings**:
 - The exemption for custom-built equipment was clarified to still require third-party testing, making some language redundant and subject to removal.
 - A provision suggesting department-based equipment approval was deemed unfeasible and was also proposed for removal.
- **Hunter** added additional proposed revisions in 3801, including:
 - Clarifying rough-in inspection requirements to include conductor splicing, addressing homeowner misconceptions.
 - Removing “or otherwise notify” from final inspection scheduling language. Hunter emphasized that modern technology should allow direct inspector notification and permit-based scheduling, yet backlog issues persisted due to outdated practices. Post-COVID, field coordination became more challenging, especially around property access, increasing the need for inspector support to prevent delays.
 - Permit expiration amount to be increased to \$1000 versus \$250. Today permits less than \$250.00 that did not expire in 12 months. Now, fee changes will see most residential permits above the \$250.00 mark. Without adjustment, expiration wouldn’t occur naturally, so incremental increases were proposed to encourage timely project completion.
 - Lastly, addressed the need for statutory language around non-payment, proposing a system that flags accounts and restricts new permit access until payment issues are resolved.
- **Colvard** sought clarification on whether non-payment would block contractors from pulling future permits.
- **Hunter** clarified that the system already requires upfront payment for permits, so the issue mainly applies to “after-the-fact” permits discovered during field audits. If discrepancies arise—such as unreported additional branch circuits—a payment link is issued with a 10-day grace period. If unpaid, paper notifications follow in stages. He suggested implementing a 60–90-day threshold, after which the system would block further permit activity until resolved.
- **Weigel** raised concerns over the approval language in the electrical equipment document, noting inconsistencies with modern UL terminology—terms like listed, labeled, and approved—and questioned whether inspectors could deem equipment acceptable. She recommended revisiting the document entirely for clarity. She also asked if all unlisted equipment would require third-party review and expressed confusion over what qualifies as approved. Finally, she questioned why their permit expiration rules differ from the National Electrical Code (NEC), which follows the building code’s 180-day inactivity rule, and advocated for uniformity.
- **Hunter** acknowledged the long-standing nature of the Minnesota Rule and noted that the process was open to public input and asked Mr. Zercher to respond.
- **Eric Zercher** explained that the rulemaking process involved two parallel actions: reopening Rule 3800 to incorporate training language from Rule 3801 and a new rulemaking initiative for 3801 itself. If the board passed the resolution, the department would begin immediately. He emphasized that public comment would be invited, allowing revisions and updates through the process.
- **Weigel** asked whether comments could be submitted during the current meeting or if they would be part of the August session.
- **Zercher** clarified that comments would be formally collected during the public comment phase for Rule 3801, but stakeholder discussions could begin earlier to provide feedback.
- **Lebowski** asked Weigel whether she envisioned a complete rewrite of the rule section and advised early collaboration with the department before the formal comment phase to address concerns and ensure correct language was developed.
- **Weigel** confirmed the electrical equipment section was a significant issue and highlighted confusion reported by her supervisor, advocating for early involvement.

- **Lebowski** outlined two paths forward: either respond formally during the comment period or meet with the department beforehand to help draft language prior to public notice, leaving the choice up to stakeholders.
- **Fletcher** suggested that the rule language on non-payment of permit fees should clarify a grace period—such as 30 or 60 days—before enforcement, to avoid penalizing minor delays.
- **Hunter** acknowledged Fletcher’s suggestion and expressed appreciation for the comment.
- **Heimerl** questioned whether the shift from Rule 3801 to 3800 was focused on evaluating electrical training programs for licensure purposes rather than approving apprenticeship programs. He clarified that program approval should remain the department’s responsibility, while the board would assess individual programs for credit toward licensing. He expressed discomfort with the pace of the rule change, recalling that it had only been briefly discussed in earlier meetings. He also voiced concern about substantive changes, such as the permit fee increase from \$250 to \$1,000, and asked why the process felt rushed.
- **Lebowski** explained that the content was not changing—only moving from Rule 3801 to 3800—to correctly align with board authority over licensing and training. He emphasized that historically, the department lacked the authority to enforce training programs, and this restructuring aimed to resolve the error. He cited limited resources and the upcoming 2024 building code cycle as reasons for urgency, noting that legal staff would soon be unavailable due to code-related rulemaking. He proposed either proceeding as planned or holding a special meeting to allow deeper discussion and suggested drafting the preferred language ahead of formal hearings.
- **Zercher** clarified that the rulemaking process would begin immediately, with a general request for comments issued first, followed by a formal comment period after 60 days. He recounted how Rule 3801 had been mistakenly assigned due to legislative renumbering in 2007, even though board authority had always belonged under Rule 3800.
- **Turek** asked the board whether a motion should be made to either move forward or hold a special meeting.
- **Weigel** motioned for a special session, stating that the electrical equipment section warranted closer review.
- **Fletcher** supported the special meeting and requested that suggested changes be presented before the meeting, and **Weigel** agreed.

A motion was made by Weigel, seconded by Heimerl, to schedule a special meeting to review and discuss Chapters and SONARS for 3800 and 3801. The roll call vote was unanimous, with 9 votes in favor of the motion; the motion carried.

6. Committee Reports

The Construction Codes Advisory Council has not met since Nov. 21, 2024. The next meeting is scheduled for July 17, 2025. Desiree Weigel will serve as the board’s representative, Alfreda Daniels as her alternate.

7. Complaints and Correspondence

8. Open Forum

Paul Reese requested clarification on DLI’s use of Consent Orders – see **Attachment F**. Chair Turek noted that this issue is not under the purview of the Board of Electricity.

9. Board Discussion

None

10. Announcements

Regularly scheduled meetings occur on the second Tuesday of each quarter at 9:00 a.m., in person at DLI, with WebEx/Phone options

- Oct. 14, 2025

11. Adjournment

A motion was made by Colvard, seconded by Fletcher, to adjourn the meeting at 12:07 p.m. The roll call vote was unanimous, with 9 votes in favor of the motion; the motion carried.

Respectfully submitted,

Desiree Weigel

Desiree Weigel, Secretary

Green meeting practices

The State of Minnesota is committed to minimizing environmental impacts by following green meeting practices. DLI is minimizing the environmental impact of its events by following green meeting practices. DLI encourages you to use electronic copies of handouts or to print them on 100% post-consumer processed chlorine-free paper, double-sided.

Electrical Permit and Inspection History

State Inspection Areas

CALENDAR YEAR	Permit Information			Inspection Information		
	Total Permits Issued	Issued Permits Completed	Permits Closed but Not Finaled	Final "Final" Insp.*	All other Insp.**	Total Inspections
2022	137,744	134,716	8,842	121,551	61,056	182,607
2023	132,457	124,769	8,507	129,502	61,847	191,349
2024	132,654	108,871	4,621	128,735	65,248	193,983
2025	68,858	34,021	990	55,933	33,099	89,032

The "**Permit Information**" and the "**Inspection Information**" do not necessarily represent the same permits. The "Permit Information" represents permits issued that Calendar Year. The "Inspection Information" represents the inspections performed that calendar year. The inspections may be for permits that were issued in previous calendar years.

"Total Permits Issued" means the permits Issued in the calendar year indicated. Includes permits in status (milestone) 'Abandon', 'Closed', 'Expired', 'Finaled', 'Issued', or 'Hold'. Does not include any other milestone such as "Out of state Inspected Area", "Refunded", etc.

"Permits Completed" means the "Total Permits Issued" for the calendar year, this is the number of permits placed into 'Closed', 'Expired', 'Abandon', or 'Finaled' status .

"Permits Closed but Not Finaled" means of the "Permits Completed" for the year, this is the number of those permits placed by procedural policy into 'Closed', 'Expired', or 'Abandon' status .

"Final "Final" Insp." represents the number of inspections completed that calendar year that caused the permits to be placed into "Finaled" status or milestone. The permits were not necessarily issued that year.

"All other Insp." represents the number of inspections completed that calendar year that did not result in a ""Finaled" status or milestone. The permits were not necessarily issued that year.

"Total Inspections" represents the total (Finals and Others) number of inspections completed that calendar year. The permits were not necessarily issued that year.

Electrical Permits Issued Summary

Issued from 1/1/2025 to 12/31/2025

ELE Permit Type	New Structure or Existing and/or Other Assoc. Items	Number of Permits Issued	% of Permit Type	% of Total
Multi-Family Dwelling	Existing Building or Other Items	984	91.53%	1.45%
	New Building	91	8.47%	0.13%
	Total	1,075		1.58%
Non-Dwelling	Total	12,968		19.06%
One-Family Dwelling	Existing Dwelling or Other Items	34,439	87.69%	50.63%
	New Dwelling	4,836	12.31%	7.11%
	Total	39,275		57.74%
One-Family Home (Homeowner Issued Permit)	Existing Home or Other Items	2,965	80.66%	4.36%
	New Home	711	19.34%	1.05%
	Total	3,676		5.40%
Technology Systems	Total	460		0.68%
Transitory (Carnival, etc.)	Total	693		1.02%
Two-Family Dwelling	Existing Building or Other Items	260	90.59%	0.38%
	New Building	27	9.41%	0.04%
	Total	287		0.42%
Utility Load Management Device	New Device	256	2.67%	0.38%
	Replacement Device	9,335	97.33%	13.72%
	Total	9,591		14.10%
Total		68,025		

Statewide Activity Report

For the Period 01/01/2025 thru 12/31/2025

Total Active	Date Range Activity			Issued Permits	Aging of Expired Permits			
Current Count	IN Count	OUT Count	Net Change Count	< 12 Months Count	12-18 Months Count	18-36 Month Count	> 36 Months Count	> 12 Months Count
70,881	68,861	63,523	5,338	51,815	6,619	9,294	2,472	18,385
Percentage of Current Active Permits								
	97%	90%	8%	73%	9%	13%	3%	26%

	<u># of Inspections Performed</u>	<u>Inspection Reports</u>	<u>AFBs</u>	<u>Refunds</u>	<u>License Checks</u>	<u>Violation Reports</u>
For Date Range:	89,398	12,700	8,680	3,326	8,220	3
Year to Date Total:	89,398	12,700	8,680	3,326	8,220	3

"Total Active": The total current active permits ("Issued", "Expired" or "Hold" status).

"Date Range Activity": The permits that were Issued and permits closed out and the net change for the selected date range.

"Issued Permits": Represents the number of permits that are currently less than 12 months old.

"Expired Permits": Permits for installations filed with inspection fees of \$250 or less are void 12 months from the original filing date regardless of whether the wiring is completed. Permits filed with inspection fees of \$250 or less are not refundable after 12 months from the original filing date. The authority to install electrical wiring associated with a specific permit is void at the time of a final inspection or expiration, whichever occurs first. The authority to inspect wiring covered by a permit continues until the installation is approved at a final inspection.

"Aging of Expired Permits": Represents the age of expired permits that are still active. This does not include any permits that have a value over \$250.

"For Date Range": Represents the numbers in the respective columns during that date range. Violation reports are yet to be counted by this report.

"Year to Date Total": Represents the numbers for the calendar year beginning January 1st.

"%": Represents the percentage compared to "Current".

"AFBs": Additional Fees for Billings (invoices for inspection fee shortages)

Issued Electrical Solar Permits Summary

Issued from 1/1/2025 to 12/31/2025

Permit Type Type of Dwelling or Non-Dwelling	Permit Variant Dwelling New or Existing	Solar Systems Grouped by Size	No of permits	Percentage of Group	Solar Systems Grouped by Size	No of permits	% of Total
Multi-Family Dwelling			14	0.93% Of Total	1 Meg to 5 Meg	3	0.20%
	Existing Building or Other Items		11	78.57% of Type	10K or <	951	62.90%
		10K or <	2	18.18% of Variant	10K to 40K	403	26.65%
		10K to 40K	4	36.36% of Variant	40K to 1 meg	49	3.24%
		40K to 1 meg	4	36.36% of Variant	Not Given	1	0.07%
		Unknown	1	9.09% of Variant	Unknown	105	6.94%
					Total	1,512.00	
	New Building		3	21.43% of Type			
Non-Dwelling			226	14.95% Of Total	Solar Systems Grouped by Size	Watts	% of Total
	Non-Dwelling		226	100.00% of Type	1 Meg to 5 Meg	7,750,000	21.96%
		1 Meg to 5 Meg	3	1.33% of Variant	10K or <	5,226,011	14.81%
		10K or <	53	23.45% of Variant	10K to 40K	7,803,629	22.11%
		10K to 40K	109	48.23% of Variant	40K to 1 meg	14,517,846	41.13%
		40K to 1 meg	40	17.70% of Variant	Not Given		0.00%
		Not Given	1	0.44% of Variant	Unknown	Unknown	
		Unknown	20	8.85% of Variant	Total	35,297,486	
					Average	25,105	
One-Family Dwelling			1,218	80.56% Of Total			
	Existing Dwelling or Other Items		1,206	99.01% of Type			
		10K or <	858	71.14% of Variant			
		10K to 40K	271	22.47% of Variant			
		40K to 1 meg	5	0.41% of Variant			
		Unknown	72	5.97% of Variant			
	New Dwelling		12	0.99% of Type			
		10K or <	6	50.00% of Variant			
		10K to 40K	5	41.67% of Variant			
One-Family Home (Permit Issued to Homeowners)			53	3.51% Of Total			
	Existing Home or Other Items		46	86.79% of Type			
		10K or <	28	60.87% of Variant			
		10K to 40K	10	21.74% of Variant			
		Unknown	8	17.39% of Variant			
	New Home		7	13.21% of Type			
		10K or <	3	42.86% of Variant			

Issued Electrical Solar Permits Summary

Issued from 1/1/2025 to 12/31/2025

One-Family Home (Permit Issued to Homeowners)	New Home	10K to 40K	1	14.29% of Variant
		Unknown	3	42.86% of Variant
Two-Family Dwelling			1	0.07% Of Total
	Existing Building or Other Items		1	100.00% of Type
		10K or <	1	100.00% of Variant
Total			1,512	

Board of Electricity
c/o Department of Labor and Industry
443 Lafayette Road North
St. Paul, MN 55155-4344
www.dli.mn.gov

Board of Electricity Request for Interpretation

Name of submitter	Date	Rule(s) to be interpreted (e.g., Mn Rule Part 3801.XXXX, subpt. XX):		
Tim Kunkel	06/26/2025	210.8		
Company Name	Phone number	Email address		
Tim Kunkel Electric L.L.C.	(651) 353-1072	tim@timkunkelelectric.com		
Mailing address	City or Township	State	Zip	
1838 Laurel Avenue	Saint Paul	MN	55104	

The National Electrical Code (NEC) is available at

<https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=70>

Has a request for interpretation been submitted to Minnesota Department of Labor and Industry (DLI) staff, either as a verbal request or a written request? ☒ Yes ☐ No

- If "No," contact DLI staff at 651-284-5820. DLI staff are responsible for administration and initial interpretation of the National Electrical Code. All requests must first be processed by DLI and provided with a staff interpretation before being referred to the Board of Electricity. This form is intended to be used to request an interpretation from the Board of Electricity only as a resolution of dispute with DLI interpretation.

Code Section(s) to be interpreted (e.g., 20XX NEC, Ch XX, § XXX.XX):	Date interpretation was first requested:	Name of DLI staff member who provided interpretation:
210.8 (A) (6)	06/23/2025	Dean Hunter

Provide a copy of the DLI interpretation with this request (a copy must be provided as reference).

Is there a dispute with a local Inspector of other official?	If Yes, provide the name and type of official:
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dean Hunter

Describe the circumstances underlying the initial dispute:

210.8 requires GFCI protection of kitchen appliances. On or before July of 2024 Mr. Hunter enacted a behind closed doors exception to this requirement.

Explain why you disagree with the interpretation given to you by DLI staff:

I do not believe that Mr. Hunter has the power to unilaterally change the electrical code without the approval of the board of electricity.

Provide and explain your interpretation of the relevant Code section or Rule part's language:

I believe that the code as written and adopted is accurate. If the board chooses to change the requirements of the electrical code than it must be published

Provide any additional information you would like the Board to consider:

I would like it made clear that changes to the electrical code have a process which must be followed.

Information regarding submitting this form:

- Submit this form and any supporting documentation to be considered electronically to DLI.CCLDBOARDS@state.mn.us or mail to Board of Electricity, c/o CCLD, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155.
- Once your Request for Interpretation form has been received, it will be assigned a file number. Please reference this file number on any subsequent correspondence and supplemental submissions.

Information for presentation to the Board:

- You will be notified with the date of the Board Meeting in which your Request for Interpretation will be heard.
- Please limit presentations to 10 minutes or less.
- Be prepared to answer questions regarding the Code Section/Rule Part at issue and the circumstances that led to the dispute.

What you can do if you disagree with the Board’s determination:

- You may appeal the Board’s final determination pursuant to Minnesota Statutes §326B.127, subd. 5 (2020).

For assistance or questions on completing this form, please call 651-284-5820.

This material can be made available in different forms, such as large print, Braille, or on a tape. To request, call 1-800-342-5354.

Office Use Only			
RFI File No.	Date Received by DLI	Dated Received by Board	Date of Board Meeting
Title of RFI	By:		

EXHIBIT A

90.2 (B) Adequacy.

This code contains provisions that are considered necessary for safety. Compliance therewith and proper maintenance result in an installation that is essentially free from hazard but not necessarily efficient, convenient, or adequate for good service or future expansion of electrical service.

The NEC specifically tells us that it is a document intended to provide safety from electrical hazards that may otherwise exist. This states to us that convenience is not it's stated purpose or goal.

90.4 (B) Interpretations

The authority having jurisdiction for enforcement of the Code has the responsibility for making interpretations of the rules, for deciding on the approval of equipment and materials, and for granting the special permission contemplated in a number of the rules.

While the AHJ has the responsibility for interpretation of the rules, Mr. Hunter's proposal (directive) did not meet the definition of interpretation. It was an amendment adding an exception to the code. Furthermore, it is my opinion that MN State Statute 326B.32 (see exhibit A.1) gives the power of interpretation AND of amendment to the Board of Electricity, not Mr. Hunter. Also showing that the Board of Electricity, not Mr. Hunter is who holds the power of AHJ.

SEE PAGE 2

90.4 (C) Specific Requirements and Alternative Methods.

By special permission, the authority having jurisdiction may waive specific requirements in this Code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.

The AHJ may waive specific requirements “where it is assured that equivalent objectives can be achieved”. A standard circuit breaker does not provide an equivalent objective to a GFCI type circuit breaker. There is nothing located in or provided by a NEMA Unwanted Tripping Report (see exhibit 1.B) that provides GFCI protection. As such, equivalent objectives have not been established.

Additionally when Mr. Hunter sent out an email to his inspection department dated 06/27/2024 (see exhibit 1.C) stating the “new protocol”, this stopped being special permission, and instead became state policy. No special situational consideration was to be given, and no case-by-case permission was required. This was a de facto code change, a code change that legally should have been submitted for public comment, voted on by the Board of Electricity, and subsequently published as required.

EXHIBIT A.1

326B.32 BOARD OF ELECTRICITY.

Subdivision 1. **Composition.** (a) The Board of Electricity shall consist of 12 members. Eleven members shall be appointed by the governor with the advice and consent of the senate and shall be voting members. Appointments of members by the governor shall be made in accordance with section 15.066. If the senate votes to refuse to consent to an appointment of a member made by the governor, the governor shall appoint a new member with the advice and consent of the senate. One member shall be the commissioner of labor and industry or the commissioner's designee, who shall be a voting member. Of the 11 appointed members, the composition shall be as follows:

- (1) one member shall be an electrical inspector;
- (2) two members shall be representatives of the electrical suppliers in rural areas;
- (3) two members shall be master electricians, who shall be contractors;
- (4) two members shall be journeyworker electricians;
- (5) one member shall be a registered consulting electrical engineer;
- (6) one member shall be a power limited technician, who shall be a technology system contractor;
- (7) one member shall be a power limited technician; and
- (8) one member shall be a public member as defined by section 214.02.

The electrical inspector shall be appointed to a term to end December 31, 2011. One of the rural electrical suppliers shall be appointed for a term to end December 31, 2011. The other rural electrical supplier shall be appointed for a term to end December 31, 2010. The consulting electrical engineer shall be appointed for a term to end December 31, 2011. One of the master electrician contractors shall be appointed for a term to end December 31, 2011. The other master electrician contractor shall be appointed for a term to end December 31, 2010. One of the journeyworker electricians shall be appointed for a term to end December 31, 2011. The other journeyworker electrician shall be appointed for a term to end December 31, 2010. One of the power limited technicians shall be appointed for a term to end December 31, 2011. The other power limited technician shall be appointed for a term to end December 31, 2010. The public member shall be appointed for a term to end December 31, 2010.

(b) The consulting electrical engineer must possess a current Minnesota professional engineering license and maintain the license for the duration of the term on the board. All other appointed members, except for the public member and the representatives of electrical suppliers in rural areas, must possess a current electrical license issued by the Department of Labor and Industry and maintain that license for the duration of their terms. All appointed members must be residents of Minnesota at the time of and throughout the member's appointment. The term of any appointed member that does not maintain membership qualification status shall end on the date of the status change and the governor shall appoint a new member. It is the responsibility of the member to notify the board of their status change.

(c) For appointed members, except the initial terms designated in paragraph (a), each term shall be three years with the terms ending on December 31. Members appointed by the governor shall be limited to three consecutive terms. The governor shall, all or in part, reappoint the current members or appoint replacement members with the advice and consent of the senate. Midterm vacancies shall be filled for the remaining portion of the term. Vacancies occurring with less than six months time remaining in the term shall be filled

for the existing term and the following three-year term. Members may serve until their successors are appointed but in no case later than July 1 in a year in which the term expires unless reappointed.

Subd. 2. Powers; duties; administrative support. (a) The board shall have the power to:

(1) elect its chair, vice-chair, and secretary;

(2) adopt bylaws that specify the duties of its officers, the meeting dates of the board, and containing other provisions as may be useful and necessary for the efficient conduct of the business of the board;

(3) adopt the Minnesota Electrical Code, which must be the most current edition of the National Electrical Code and any amendments thereto. The board shall adopt the most current edition of the National Electrical Code and any amendments thereto pursuant to chapter 14 and as provided in subdivision 6, paragraphs (b) and (c);

(4) review requests for final interpretations and issue final interpretations as provided in section 326B.127, subdivision 5;

(5) adopt rules that regulate the licensure or registration of electrical businesses, electrical contractors, master electricians, journeyworker electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work except for those individuals licensed under section 326.02, subdivisions 2 and 3. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (d) and (e);

(6) adopt rules that regulate continuing education for individuals licensed or registered as electrical businesses, electrical contractors, master electricians, journeyworker electricians, Class A installer, Class B installer, power limited technicians, and other persons who perform electrical work. The board shall adopt these rules pursuant to chapter 14 and as provided in subdivision 6, paragraphs (d) and (e);

(7) advise the commissioner regarding educational requirements for electrical inspectors;

(8) refer complaints or other communications to the commissioner, whether oral or in writing, as provided in subdivision 8, that allege or imply a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to code compliance, licensure, registration, or an offering to perform or performance of unlicensed electrical services;

(9) approve per diem and expenses deemed necessary for its members as provided in subdivision 3;

(10) approve license reciprocity agreements;

(11) select from its members individuals to serve on any other state advisory council, board, or committee; and

(12) recommend the fees for licenses and certifications.

Except for the powers granted to the Plumbing Board, Board of Electricity, and the Board of High Pressure Piping Systems, the commissioner of labor and industry shall administer and enforce the provisions of this chapter and any rules promulgated pursuant thereto.

(b) The board shall comply with section 15.0597, subdivisions 2 and 4.

(c) The commissioner shall coordinate the board's rulemaking and recommendations with the recommendations and rulemaking conducted by all of the other boards created pursuant to this chapter. The commissioner shall provide staff support to the board. The support includes professional, legal, technical,

and clerical staff necessary to perform rulemaking and other duties assigned to the board. The commissioner of labor and industry shall supply necessary office space and supplies to assist the board in its duties.

Subd. 3. Compensation. (a) Members of the board may be compensated at the rate of \$55 a day spent on board activities, when authorized by the board, plus expenses in the same manner and amount as authorized by the commissioner's plan adopted under section 43A.18, subdivision 2. Members who, as a result of time spent attending board meetings, incur child care expenses that would not otherwise have been incurred, may be reimbursed for those expenses upon board authorization.

(b) Members who are state employees or employees of the political subdivisions of the state must not receive the daily payment for activities that occur during working hours for which they are compensated by the state or political subdivision. However, a state or political subdivision employee may receive the daily payment if the employee uses vacation time or compensatory time accumulated in accordance with a collective bargaining agreement or compensation plan for board activities. Members who are state employees or employees of the political subdivisions of the state may receive the expenses provided for in this subdivision unless the expenses are reimbursed by another source. Members who are state employees or employees of political subdivisions of the state may be reimbursed for child care expenses only for time spent on board activities that are outside their working hours.

(c) The board shall adopt internal standards prescribing what constitutes a day spent on board activities for purposes of making daily payments under this subdivision.

Subd. 4. Removal; vacancies. (a) An appointed member of the board may be removed by the governor at any time (1) for cause, after notice and hearing, or (2) after missing three consecutive meetings. The chair of the board shall inform the governor of an appointed member missing the three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the secretary of the board shall notify the appointed member in writing that the member may be removed for missing the next meeting. In the case of a vacancy on the board, the governor shall, with the advice and consent of the Senate, appoint a person to fill the vacancy for the remainder of the unexpired term.

(b) Vacancies shall be filled pursuant to section 15.0597, subdivisions 5 and 6.

Subd. 5. Membership vacancies within three months of appointment. Notwithstanding any law to the contrary, when a membership on the board becomes vacant within three months after being filled through the appointments process, the governor may, upon notification to the Office of Secretary of State, choose a new member from the applications on hand and need not repeat the process.

Subd. 6. Officers, quorum, voting. (a) The board shall elect annually from its members a chair, vice-chair, and secretary. A quorum of the board shall consist of a majority of members of the board qualified to vote on the matter in question. All questions concerning the manner in which a meeting is conducted or called that is not covered by statute shall be determined by Robert's Rules of Order (revised) unless otherwise specified by the bylaws.

(b) Each electrical code amendment considered by the board that receives an affirmative two-thirds or more majority vote of all of the voting members of the board shall be included in the next electrical code rulemaking proceeding initiated by the board. If an electrical code amendment considered, or reconsidered, by the board receives less than a two-thirds majority vote of all of the voting members of the board, the electrical code amendment shall not be included in the next electrical code rulemaking proceeding initiated by the board.

(c) The board may reconsider electrical code amendments during an active electrical code rulemaking proceeding in which the amendment previously failed to receive a two-thirds majority vote or more of all of the voting members of the board only if new or updated information that affects the electrical code amendment is presented to the board. The board may also reconsider failed electrical code amendments in subsequent electrical code rulemaking proceedings.

(d) Each proposed rule and rule amendment considered by the board pursuant to the rulemaking authority specified in subdivision 2, paragraph (a), clauses (5) and (6), that receives an affirmative majority vote of all of the voting members of the board shall be included in the next rulemaking proceeding initiated by the board. If a proposed rule or rule amendment considered, or reconsidered, by the board receives less than an affirmative majority vote of all of the voting members of the board, the proposed rule or rule amendment shall not be included in the next rulemaking proceeding initiated by the board.

(e) The board may reconsider proposed rules or rule amendments during an active rulemaking proceeding in which the amendment previously failed to receive an affirmative majority vote of all of the voting members of the board only if new or updated information that affects the proposed rule or rule amendment is presented to the board. The board may also reconsider failed proposed rules or rule amendments in subsequent rulemaking proceedings.

Subd. 7. **Board meetings.** (a) The board shall hold meetings at such times as the board shall specify. Notice and conduct of all meetings shall be pursuant to chapter 13D and in a manner as the bylaws may provide.

(b) If compliance with section 13D.02 is impractical, the board may conduct a meeting of its members by telephone or other electronic means so long as the following conditions are met:

(1) all members of the board participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;

(2) members of the public present at the regular meeting location of the board can hear clearly all discussion and testimony and all votes of members of the board and, if needed, receive those services required by sections 15.44 and 15.441;

(3) at least one member of the board is physically present at the regular meeting location; and

(4) all votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.

Each member of the board participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the board, to the extent practical, shall allow a person to monitor the meeting electronically from a remote location. The board may require the person making such a connection to pay for documented costs that the board incurs as a result of the additional connection.

If telephone or other electronic means is used to conduct a regular, special, or emergency meeting, the board shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and that a person may monitor the meeting electronically from a remote location. Any person monitoring the meeting electronically from a remote location may be required to pay documented costs incurred by the board as a result of the additional connection. The timing and method of providing notice is governed by section 13D.04.

Subd. 8. **Complaints.** (a) The board shall promptly forward to the commissioner the substance of any complaint or communication it receives, whether in writing or oral, that alleges or implies a violation of a statute, rule, or order that the commissioner has the authority to enforce pertaining to the license or registration of any person authorized by the department to provide electrical work, the performance or offering to perform electrical work requiring licensure or registration, or electrical code compliance. Each complaint or communication that is forwarded to the commissioner shall be submitted on a form provided by the commissioner.

(b) The commissioner shall advise the board of the status of the complaint within 90 days after the board's written submission is received, or within 90 days after the board is provided with a written request for additional information or documentation from the commissioner or the commissioner's designee, whichever is later. The commissioner shall advise the board of the disposition of a complaint referred by the board within 180 days after the board's written submission is received. The commissioner shall annually report to the board a summary of the actions taken in response to complaints referred by the board.

Subd. 9. **Data Practices Act.** The board is subject to chapter 13, the Minnesota Government Data Practices Act, and shall protect from unlawful disclosure data classified as not public.

Subd. 10. **Official records.** The board shall make and preserve all records necessary to a full and accurate knowledge of its official activities in accordance with section 15.17.

History: 2007 c 140 art 4 s 61; art 5 s 19,32; art 13 s 4; 2008 c 337 s 7,8; 2014 c 275 art 1 s 104; 2017 c 68 art 1 s 26; 1Sp2017 c 7 s 8; 2023 c 53 art 11 s 50

EXHIBIT A.2



GFCI Unwanted Tripping Report

Contact Information

First Name

Last Name

Address

City

Zip

Daytime Telephone

Evening Telephone

Role/Title

Email

GFCI Product Information at your installation

GFCI Manufacturer Part/Model Number

GFCI Type

Other (Type)

Select Amperage of GFCI

Other (Amperage)

Select Poles of GFCI

Select the Manufacturer/Brand Name of GFCI

Please select location type:

- Select -

Image URL

GFCI Installation Location

Date of Occurrence

Date of Installation

Installation Location if Different location

Address

City

State

Zip

Trip Incident

Describe The Tripping Incident

What Equipment Is Connected To The Circuit That Is Tripping The GFCI?

Equipment Manufacturer Name

Equipment Model Number

Other Equipment on the circuit

Type of Residence/Room Affected

Please select residence type

- Select -

Please describe room(s) affected by trip

Other Information

Have you contacted the GFCI manufacturer?

☐ Yes

☐ No

If no, would you like to be contacted by them?

☐ Yes

☐ No

Have you contacted the Equipment manufacturer?

☐ Yes

☐ No

Did the equipment manufacturer provide any recommendations?

☐ Yes

☐ No

Attach pictures of the installation and equipment nameplates.

No file chosen

For additional information about GFCIs or if you require assistance answering any of these questions NEMA installation experts are available to assist. Their territories and contact information is available here: **NEMA Field Representative Information.**

EXHIBIT A.3

From: Hunter, Dean (DLI) <dean.hunter@state.mn.us>
Sent: Thursday, June 27, 2024 8:10 AM
To: Aaron Goslee; Anthony Kohrs; Arthur Hall; Braden Trende; Brandon Lennox; Brian Luce; Bruce Haugen; Chad McCarthy; Christopher Jackson; Daniel DeGrood; David Hucky; David Sawyer; Don Edel; Dylan Becker; Fred Reichel; Gary Pederson; Gerald Jones; James Bjorklund; James Noonan; Jason Klimek; Jeff Larson; John Thompson; Joshua Kath; northshoreinspector; Justin Doebbeling; Keith Hollnagel; Keith Tillotson; Levi Stoy; Michael Anthony; Michael Wenzel; Nathan Readell; Patrick McMullen; Paul Hipsag; Peter DeGrood; Randy Edel; Rodney VanOrt; Scott Preuss; Shannon Merchlewitz; Steven Bartlett; Steven Roberts; Thomas Bzdok; Todd Drescher; Tom McCormick; Vern Dose; Walter Kath; William Husom; Dahlk, David (DLI); Disselbrett, Brandon (DLI); Ditsch, Ronald J (DLI); Husom, Ben (DLI); Johnson, Kelly C (DLI); Jorgenson, Eric (DLI); Knaack, Todd (DLI); Koons, Wade (DLI); Kurtz, Austin (DLI); Lane, Terry (DLI); Mechtel, Justin (DLI); Paetznick, Clifton H (He/Him/His) (DLI); Pieske, Luke (DLI); Prussia, Josh (DLI); Schaffer, Rod (DLI); Senkyr, Mark (DLI); Sickels, Wess (DLI); Sorensen, Adam (DLI); Thoennes, Jacob (DLI); Thoma, Mark (DLI)
Cc: Dudley, Steven (DLI); Higgins, Scott (DLI); Jespersen, Wayne (DLI); Monson, Sheldon (DLI); Bradbury.DLI, Lowell (DLI); Furman, Neil (DLI); Hunter, Mark (DLI); McNamara, John (DLI); Nemeth, Luke (DLI); Krahmer, Eric (DLI); Moreen, Michael (DLI); Weispfennig, Kent (DLI); Moynihan, Dan (CI-StPaul); Hanson, Eric C
Subject: Re: Change in reporting GFCI/AFCI unwanted tripping events.
Importance: High

Good morning DLI and Municipal Inspectors,

Lately, I have received a rash of phone calls and emails regarding unwanted GFCI tripping on various appliances.

In the past, we have been requiring contractors or homeowners to submit incident reports to NEMA; however, as a department, we have **not** granted "special permission" until we have received a response back from the manufacturers (breaker or appliance) regarding a solution.

That said, the problem is.... the manufacturers are slow to respond, and sometimes never follow through with the request and contractors/homeowners are becoming very impatient. I have voiced my frustration with all the parties involved and have stressed to them how this puts the enforcement community in a tough spot.

I am proposing that we change our protocol, a bit, to take us (the enforcement community) and our contractors/homeowners out of the waiting game to eliminate some of the frustration. My proposal is this: the contractor/homeowner needs to complete the incident report, as before - but now, they just need to provide us proof that the report (screenshot) was sent to NEMA. In this situation, we are letting the manufacturers oversee the process.

Moving forward, here will be state's protocol:

- GFCI breakers are installed and inspected for NEC compliance.
- If after the appliance is installed, the appliance is shown to not be compatible with the GFCI protection, the contractor or homeowner will submit a NEMA incident report, and the GFCI breaker can be removed.

GFCI issues can be documented here: <https://www.nema.org/membership/products/gfci-unwanted-tripping-report>

AFCI issues can be documented here: <https://www.afcisafety.org/>

- The contractor or homeowner provides proof, which is uploaded to the permit, that shows a NEMA incident report was submitted for an appliance at a specific address. (This could be a screenshot of the report on their webpage)
- If the breaker or appliance manufacturers provide a solution - it is up to the contractor/homeowner to make the necessary repairs and provide GFCI protection.

As a code official, I am not advocating for less safety, but have a hard time when contractors/homeowners don't have a solution to remedy these situations. Simply telling someone it doesn't work so they can't use their appliances, or that GFCI protection is a "joke" and taking the breaker out - is not a solution.

Let me know if you have any further questions.

Dean

Dean Hunter

Chief Electrical Inspector

Minnesota Department of Labor and Industry

443 Lafayette Road N., St. Paul, MN 55155

Phone: Office (651) 284-5314 Cell (218) 770-1263 | Web: www.dli.mn.gov



Approval as a result of an inspection shall not be construed to be an approval of a hidden, concealed, undetected or other violation of the provisions of the code or of the laws and rules of the state. Electrical inspections only include readily accessible systems and components. Latent and concealed defects, deficiencies and violations are excluded from inspections.

If you are not the intended recipient of this message, or the person responsible for delivering it to the intended recipient, please notify the sender immediately by replying to this message. Destroy all copies of this message and any attachments.

EXHIBIT B

NFPA 70®-2020 Edition

National Electrical Code®

TIA Log No.: 1593

Reference: Section 210.8(F)

Comment Closing Date: July 19, 2021

Submitter: Dean Hunter, Minnesota Department of Labor & Industry

1. Revise 210.8(F) to read as follows:

210.8 Ground-Fault Circuit-Interrupter Protection for Personnel. ...

(F) Outdoor Outlets. All outdoor outlets for dwellings, other than those covered in 210.8 (A)(3), Exception to (3), that are supplied by single-phase branch circuits rated 150 volts to ground or less, 50 amperes or less, shall have ground-fault circuit-interrupter protection for personnel. This requirement shall become effective on January 1, 2023 for mini-split-type heating/ventilating/air-conditioning (HVAC) equipment and other HVAC units employing power conversion equipment as a means to control compressor speed.

Informational Note: Power conversion equipment is the term used to describe the components used in HVAC equipment that is commonly referred to as a variable speed drive. The use of power conversion equipment to control compressor speed differs from multistage compressor speed control.

Exception: Ground-fault circuit-interrupter protection shall not be required on lighting outlets other than those covered in 210.8(C).

Substantiation: This expansion of GFCI protection in the 2020 NEC, for the purpose of covering exterior outlets through 250-volts at dwelling units, is a necessary enhancement for electrical safety. Code Making Panel 2 supported the expansion of GFCI protection to cover these outdoor outlets based on the electrocution of a young boy who came into contact with the energized enclosure of an outdoor HVAC unit.

The purpose of this TIA is not to eliminate the GFCI protection for *all* HVAC outdoor equipment, but to extend the date of enforcement for the circuit supplying the HVAC units employing power conversion equipment.

Emergency Nature: The proposed TIA intends to correct a circumstance in which the revised NFPA Standard has resulted in an adverse impact on a product or method that was inadvertently overlooked in the total revision process or was without adequate technical (safety) justification of the action.

In the state of Minnesota, we began enforcing Section 210.8(F) on April 5, 2021 and we have already documented many cases of operational tripping occurrences which have been difficult for inspectors and electricians to resolve. The only solution at this time is for the AHJ to approve a temporary allowance for the installation of a circuit breaker without GFCI protection so that these HVAC units can operate.

The language in this TIA is in direct alignment with the once-proposed TIA 1529 that was supported by Code Making Panel 2 for Technical and Emergency Nature. The Correlating Committee also agreed that no correlating issues existed with this language; however, the TIA narrowly failed ballot with regards to the Emergency Nature. Recently, proposed TIA 1564, which included “all HVAC equipment” failed ballot, but had multiple voting member comments supporting the language in TIA 1529. Also, TIA 1564 language contains substantiation to support reasons for delaying the date to address the operational GFCI tripping.

As we enter into the peak cooling season in Minnesota and in other states where the 2020 NEC has been adopted, it is expected that this issue will continue to grow and be problematic for the enforcement and installation community. Delaying the implementation date allows for the affected stakeholders to reach a solution to the operational tripping occurrences and provides AHJs with the ability to permit installations of cooling equipment that is essential to the health and safety of residents in warm climates.

Anyone may submit a comment by the closing date indicated above. Please identify the TIA number and forward to the Secretary, Standards Council. [SUBMIT A COMMENT](#)

As evidenced by this submission for a Tentative Interim Amendment Mr. Hunter shows knowledge of and willingness to utilize a pre-existing method accepted to make an emergency change to the NEC as written. Mr. Hunter should have also utilized this method for any other proposed change to the electrical code of an emergency nature. This avenue is available to any member of the public, and passed TIA's are considered a part of MN state electrical law.



MEMORANDUM

TO: Code-Making Panel 2

FROM: Sarah Caldwell, *Senior Committee Administrator*

DATE: September 20, 2023

SUBJECT: NEC® Proposed TIA No. 1749 **FINAL TC BALLOT RESULTS**

The public comment circulation has passed, therefore, according to Section 5.7(a) in the NFPA Regs, the final results show this TIA **HAS NOT** achieved the $\frac{3}{4}$ majority vote needed on both Ballot Item No. 1 (**Technical Merit**) and Ballot Item No. 2 (**Emergency Nature**).

19 Eligible to Vote
2 Not Returned (*Abbassi, Harman*)

Technical Merit:

0 Abstentions
9 Agree (*w/comment: Reyes*)
8 Disagree (*Campolo, Domitrovich, El-Sherif, Humphrey, Johnson, Manche, McCamish, Pavese*)

Emergency Nature:

0 Abstentions
8 Agree
9 Disagree (*Campolo, Cook, Domitrovich, El-Sherif, Humphrey, Johnson, Manche, McCamish, Pavese*)

There are two criteria necessary to pass ballot [(1) simple majority (2) affirmative vote of $\frac{3}{4}$ of ballots received]. Both questions must pass ballot in order to recommend that the Standards Council issue this TIA.

- (1) In all cases, an affirmative vote of at least a simple majority of the total membership eligible to vote is required.

$$[19 \text{ eligible} \div 2 = 9.5 = \mathbf{(10)}]$$

- (2) The number of affirmative votes needed to satisfy the $\frac{3}{4}$ requirement is **13**.
(19 eligible to vote - 2 not returned - 0 abstentions = $17 \times 0.75 = 12.75$)

Ballot comments are attached for your review.

The Regs at Section 1.6.2.(c) state: An appeal relating to a proposed Tentative Interim Amendment that has been submitted for processing pursuant to Section 5.2 shall be filed no later than 5 days after the notice of the TIA final ballot results are published in accordance with Section 4.2.6.

Appeal Closing Date for this TIA is **September 25, 2023**.

QUESTION NO. 1: I AGREE with the TECHNICAL MERITS of the NEC Proposed TIA Log No. 1749 to Add a new Exception No. 6 to Section 210.8(A) and to Add a new Exception to Section 210.8(D).

Eligible to Vote: 19

Not Returned : 2

Thomas L. Harman,Mathher
Abbassi

<u>Vote Selection</u>	<u>Votes</u>	<u>Comments</u>
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Agree	9	
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Daniel Buuck	Agree
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Greg Woyczynski	Agree
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Fred Neubauer	Agree
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Jeremy Mark Tidd	Agree
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Charles L. Boynton	Agree
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Mark Daniel Cook	Agree
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Frederick P. Reyes	We have been consistently supporting the use of GFCI protection to advance safety of electrical systems. We have additionally been active in trying to support reconciliation of the utilization equipment requirements and protective technology requirements to obtain the best coordinated results. We also see that time is needed to fully accomplish the systemic solution and are not opposed to additional timing being allocated to accomplish this
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David W. Johnson	F.
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Tyler James Doering	Agree
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Disagree	8
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Steve Campolo

I continue to vote NO on both the proposed changes as well as the emergency nature. Embedded in the TIA's substantiation mention is made regarding the Department of Energy's energy efficiency requirements necessitating the product designs producing the harmonic content causing the unwanted tripping. Several times I questioned if the DOE was ever petitioned for a waiver or extension of the energy efficiency requirements. Additionally, I asked if filtering could reduce unwanted tripping. To date, no requests (and denials) to the DOE have been received.

Thomas A. Domitrovich

This proposed TIA Log #1749 severely compromises electrical safety. This proposed TIA does not merely negate the intentional deletion of the "kitchen countertop" GFCI limitation in 2023 NEC® 210.8(A)(6), but actually removes previously required GFCI protection of receptacle outlets serving these appliances within 6 feet of a sink in place since the 2011 NEC®, and of receptacle outlets serving these appliances in garages mandated since the 2008 NEC® appliance Exception removal. GFCIs historically have not had tripping issues with these appliances. The supposed unwanted tripping issues recently emerged because of the introduction of energy-efficiency technologies to meet Energy Star mandates but only employed essential filtration selectively, dictated largely by economics. These technologies (switching power supply, variable frequency, etc.) generate high-frequency (beyond 60 Hz) components that did not previously exist in these appliances. Other appliances and utilization equipment subject to these same energy-efficiency directives are not seeing these supposed tripping issues. Indeed, GFCI protection was added for residential dishwashers to 2014 NEC® 210.8(D) [relocated to 2020 NEC® 422.5(A)(7)] at the behest of the appliance industry to address shock hazards occurring at dishwasher end-of-life that resulted in liability litigation; incorporation of these energy-efficiency technologies for dishwashers in fact did address necessary high-frequency filtration to avoid instigating unwanted tripping of GFCIs. Where there's a will, there's a way or, more to the point, where there's NOT a will, there's a TIA seeking exemption from consensus safety requirements. The submitter substantiation states that energy efficiency requirements from the U.S. Department of Energy (DOE) are forcing technology changes that is driving incompatibility. Delayed implementation dates of energy efficiency requirements would be more appropriate approach than delay/remove public safety requirements. Other industries have successfully petitioned the DOE for delayed implementation dates, it would be recommended for the appliance industry to evaluate future technology for compatibility. The reference to central air conditioner equipment is not relevant to this substantiation as it is a different voltage, power and application. There has been GFCI protection provided at receptacle outlets for countertop appliances and utilization equipment, including microwave ovens, since the 1987 NEC® without reported issues." The proposed TIA would roll back electrical safety pertaining to GFCI to circa 2008 NEC requirements. There was no substantiation provided with TIA regarding unwanted tripping.

Christopher J. Pavese

This exception doesn't provide clarity due to the term, "Dedicated Space." The term needs to be defined for each of the appliances listed.

Alan Manche

The proposed language revision seeks to reduce public safety by removing GFCI protection on receptacles to the microwave oven, range, and oven while millions of circuits serving microwaves are protected by GFCI today. GFCI protection for receptacles serving the countertop in kitchens was put in place in 1987. Millions of microwave ovens are connected to a GFCI protected receptacle, yet this TIA has presented no substantiation that a GFCI trips a microwave. The proposed language does not require an individual branch circuit, therefore the language permits an accessible receptacle on the counter serving the microwave to also serve the countertop and connect other appliances while preparing food, removing the GFCI protecting that has been in place for over 35 years. Removing GFCI protection from the range receptacle puts lives at risk. The range cord is typically installed by an unqualified electrical person which has resulted in placing ranges in an electrically unsafe operating condition. The addition of indoor 240Vac GFCI protection was directly related to electrocution fatalities involving electric ranges and laundry dryers. A significant number of tests have been conducted to further understand the leakage current on ranges. The results of those tests show are alarming. Initial testing demonstrated electric range models leaked current well in excess of the GFCI trip threshold above 10mA up to 17mA. Additional testing demonstrated that 6 units were leaking above 10mA including one unit that was measured to be leaking at the 54mA of current level. If a wiring issue occurs either internal or external to the electric range itself then you would exceed the let go threshold, Muscle Freeze in 50% of the population, and in the 54mA case potentially result in fibrillation. These issues would affect anyone, but especially for our most vulnerable populations, children, and the elderly. Compliance with the most recent revisions to UL 858 must move in a more expeditious time frame to ensure public safety. Removing GFCI protection is not an option and actually testing has demonstrated GFCI protection to be more critical to support public safety.

John McCamish

The technical substantiation point out that appliances have leakage currents above an agreed upon threshold for human safety and include reports of injury. Appliances such as microwaves have been used with GFCI protection for years and a delay is not warranted.

David G. Humphrey

GFCI provides an important safety function. The associated report repeatedly references that appliances provided with GFCI protection "MAY" cause a "nuisance trip" of the GFCI device. The unwanted tripping events that are alleged may likely be a result of current being detected above the 6 milliampere trip threshold which is the maximum level considered safe for human contact. GFCI protected commercial receptacle outlets supplying appliances at 120 volts have been installed in commercial kitchens since the 2002 NEC without apparent incident. Three phase receptacle outlets up to 100 amperes and single phase receptacle outlets up to and including 50 amperes have required GFCI protection since adoption of the 2017 NEC again without apparent incident. Additionally 5 years of delay is in the opinion of this CMP 2 member an excessive amount of time to correct an issue that may exist with a cooking appliance. Any changes to this section should come as a result of the 2026 revision process. There is at the time of this writing ample time to submit a public input where the submitter may seek revision through the NEC revision process.

Nehad El-Sherif

IEEE is not in favor of this TIA for the following reasons: 1. The incompatibility concerns discussed in this TIA are understandable but these concerns do not apply to microwaves that have been protected by GFCIs since 1987 with no reported cases of incompatibility. The TIA provided no substantiation to refute this 2. The substantiation did not address the multiple electrocution deaths reported by CPSC in Attachment A of this TIA 3. There is a concern with the enforcement of this TIA (if passed), because the language "The appliance is located within a dedicated space" is vague and hard to enforce 4. Through a friend, I just became aware of a tragic incident of an 8-year-old boy who was electrocuted in Ft. Myers, FL by touching a 220V electrical outlet behind the stove per comments by police (refer to the links below). This tragedy details why protecting the electric range branch circuit receptacle outlet is needed to improve safety in the kitchen. <https://www.wptv.com/news/national/florida-boy-dies-after-being-shocked-by-electrical-outlet-police-say> <https://www.wfla.com/news/florida/boy-dies-after-touching-electrical-outlet-in-fort-myers-home/>

Brian H. Johnson

After further reading and considering public input comments, the proposed changes would significantly reduce electrical safety.

Abstain

0

QUESTION NO. 2: I AGREE that the subject is of an EMERGENCY NATURE for one or more of the reasons noted in the Instructions box.

Eligible to Vote: 19

Not Returned : 2

Thomas L. Harman,Mathher

Abbassi

Vote Selection

Votes Comments

Agree

8

Daniel Buuck

A

Greg Woyczynski

A, F

Fred Neubauer

Agree

Jeremy Mark Tidd

A

Charles L. Boynton

F

Frederick P. Reyes

F

David W. Johnson

Agree

Tyler James Doering

C and F

Disagree

9

Steve Campolo

I continue to vote NO on both the proposed changes as well as the emergency nature. Embedded in the TIA's substantiation mention is made regarding the Department of Energy's energy efficiency requirements necessitating the product designs producing the harmonic content causing the unwanted tripping. Several times I questioned if the DOE was ever petitioned for a waiver or extension of the energy efficiency requirements. Additionally, I asked if filtering could reduce unwanted tripping. To date, no requests (and denials) to the DOE have been received.

Thomas A. Domitrovich

The proposed remedy demonstrates no emergency natures that would warrant decreasing safety, as introduced by this TIA.

Christopher J. Pavese

This TIA adds to the code and is not an emergency.

Alan Manche	The emergency nature that microwaves and ranges are tripping GFCIs while not protecting from a hazardous condition has not been substantiated. Further investigation has actually resulted in an understanding that hazardous currents can exists that are being protected by GFCIs.
John McCamish	A compromise in GFCI protection is not warranted when other avenues such as delay in DOE requirements, and pursuing solutions to appliance problems that have known to exist for several years have not been resolved.
Mark Daniel Cook	Substantiate with more data
David G. Humphrey	There was no error, omission, existing hazard or the like with the panels action. Only diligent review and discussion.
Nehad El-Sherif	IEEE disagrees with the emergency nature of this TIA
Brian H. Johnson	After further reading and considering public input comments, I do not believe it is an emergency nature to reduce the safety by removing GFCI requirements.
Abstain	0

- A. The standard contains an error or an omission that was overlooked during the regular revision process.**
- B. The NFPA Standard contains a conflict within the NFPA Standard or with another NFPA Standard.**
- C. The proposed TIA intends to correct a previously unknown existing hazard.**
- D. The proposed TIA intends to offer to the public a benefit that would lessen a recognized (known) hazard or ameliorate a continuing dangerous condition or situation.**
- E. The proposed TIA intends to accomplish a recognition of an advance in the art of safeguarding property or life where an alternative method is not in current use or is unavailable to the public.**
- F. The proposed TIA intends to correct a circumstance in which the revised NFPA Standard has resulted in an adverse impact on a product or method that was inadvertently overlooked in the total revision process or was without adequate technical (safety) justification for the action.**

NFPA 70®-2023 Edition

National Electrical Code®

TIA Log No.: 1749

Reference: 210.8(A) Exception No. 6 (new), and 210.8(D) Exception (new)

Comment Closing Date: September 6, 2023

Submitter: Greg Woyczynski, Association of Home Appliance Manufacturers (AHAM)

www.nfpa.org/70

1. Add a new Exception No. 6 to section 210.8(A) to read as follows:

210.8(A) Dwelling Units.

...

Exception No. 6: GFCI protection shall not be required for a receptacle serving an electric range, wall-mounted oven, counter-mounted cooking unit, or microwave oven if both of the following conditions are met:

(1) The appliance is located within a dedicated space.

(2) In normal use, the appliance is not easily moved or is fastened in place.

This exception shall expire January 1, 2028.

2. Add a new Exception to section 210.8(D) to read as follows:

210.8(D) Specific Appliances.

...

Exception: GFCI protection shall not be required for an outlet supplying an electric range, wall-mounted oven, counter-mounted cooking unit, or microwave oven if both of the following conditions are met:

(1) The appliance is located within a dedicated space.

(2) In normal use, the appliance is not easily moved or is fastened in place.

This exception shall expire January 1, 2028.

Substantiation:

A. Introduction

This TIA is in response to the direction given in Standards Council Decision D#22-10. The Standards Council directed, "...the formation of a Task Group of affected stakeholders...to evaluate the issues raised and consider whether a TIA may be appropriate." The Task Group consists of representatives from home builder organizations, contractors, appliance manufacturers, GFCI manufacturers, electrical inspectors, CPSC, and a testing laboratory. Based upon the information submitted to and reviewed by the Task Group, the proposed TIA adds an exception to GFCI protection requirements.

B. GFCIs trip on safe appliances

There is a technological incompatibility between common loads in the home and GFCIs. The incompatibility is often realized in the form of "nuisance tripping", where a GFCI trips and no electrical hazard is present. This incompatibility is especially pertinent in the context of home appliances, which are subject to continuously updated, mandatory, Department of Energy efficiency requirements. In order for appliances to become meet efficiency standards, home appliance manufacturers incorporate components that operate at frequencies higher than the mains frequency of 60-Hertz. These technologies include switch-mode power supplies, electronically commutated

EXHIBIT D

EXCERPTS FROM STATE OF MN OFFICE OF ADMINISTRATIVE HEARINGS REGARDING THE ADOPTION OF THE 2020 NEC, PROVIDED HEREIN FOR PRECEDENT REGARDING CURRENT ISSUE AT HAND- COMMENTARY BY TIM KUNKEL IN BOLD

In the Matter of the Proposed Rules Adopting and Incorporating the 2020 National
Electrical Code for Use in Minnesota, Minnesota Rules Chapter 1315

FULL TEXT CAN BE FOUND AT

https://mn.gov/oah/assets/9001-36673-dli-electrical-code-rule-report_tcm19-450152.pdf

1.

SECTION I-BACKGROUND TO THE PROPOSED RULES

B. OVERVIEW OF ISSUES

6. The Board also explained that the changes to the NEC are made at national code hearings conducted by NFPA. The NEC is written by those who use the code book and utilize ANSI processes to provide maximum input from those who use and are impacted by the code. The Board described the extensive process of consideration, revision, public input, and review used to revise the NEC.¹³

13. A wide variety of organizations and individuals support the Board's adoption of the NEC without amendments. These include representatives of fire prevention, protection, fighting, and code-writing organizations such as the Fire Marshal's Association of Minnesota, National Fire Protection Association, Underwriter Laboratories, and International Association of Electrical Inspectors; electrical industry groups, unions, and educational institutions, such as the Electrical Association, National Electrical Contractors Association, National Electrical Manufacturers Association, International Brotherhood of Electrical Workers, American Circuit Breaker Manufacturers Association, National Electrical Manufacturers Association, and Minneapolis Electrical JATC; and electrical component manufacturing companies such as Square D/Schneider Electric, Siemens, and Eaton. Furthermore, several individuals in the electrical trades and in government, including electrical inspectors with the cities of Bloomington and St. Paul, are in favor of adoption without amendment. Fire prevention experts such as the Minneapolis Fire Marshal are also in support of adoption without amendment, as are medical professionals and burn victim advocates with Regions Hospital Burn Center and the Phoenix Society for Burn Survivors.²¹

The board recognized and valued the extensive process involved in creating the 2020 NEC. It is believed that the Board, and Mr. Hunter still value that extensive process. Numerous groups and individuals supported the adoption of the 2020 NEC, while this list may not be

entirely accurate for the 2023 NEC, many groups and individuals were also in support of the NEC 2023 adoption without amendment, of which the Board has record.

2.

**SECTION II-PROCEDURAL REQUIREMENTS OF CHAPTER 14
SUBSECTION E-STATUTORY REQUIREMENTS FOR THE SONAR**

1. THE AGENCY'S REGULATORY ANALYSIS

(c) The determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule.

30. The Board asserts that there are no less costly or intrusive methods for achieving the purpose of the proposed rule. The Board states that the NEC is recognized throughout the U.S. and many other countries as the prevailing model electrical code. Incorporating the 2020 NEC by reference is the least costly method for adopting a national model code and is in accordance with Minnesota Statutes, section 326B.32, subdivision 2 (a)(3) (2020), which directs that adoption

31. The Board states that, historically the state of Minnesota has adopted the NEC by reference without any state amendments. The Board of Electricity is proposing adoption of the 2020 NEC without amendment in this rulemaking, consistent with past code adoptions. The Board maintains that, unlike other building codes that may need to be amended at the local level due to specific conditions, such as earthquakes, snow loads, wind loads, prevalence of hurricanes, extreme temperatures and so on, the NEC is universally applicable in all jurisdictions.

During the hearings regarding the 2020 NEC the MN Board of Electricity maintained that the use of the NEC was the least costly method for adopting a model code.

The board also maintained that no local level amendment to the code was required and the NEC is universally applicable. Unless the board has reversed course this shows prima facie evidence that the Board of Electricity has no intention, or need to adopt local level amendments to the electrical code.

39. The Department asserts that, if the new edition of the NEC is not adopted, the State would continue to rely on the 2017 NEC. In the Board's view, this would cause the industry in Minnesota to use an electrical code that does not incorporate all the latest methods and technologies and would therefore fall behind in electrical standards to the detriment of all stakeholders. The Board contends, the failure to adopt the proposed rule would also have a negative effect on electrical licensing reciprocity with other states. Minnesota has electrical licensing reciprocity agreements with Alaska, Arkansas, Colorado, Iowa, Montana, Nebraska, North Dakota, South Dakota and Wyoming, all of which are in the process of reviewing and adopting the 2020 NEC as well.⁶³ 40. The Board also argues that failure to adopt the proposed rule could be considered a statutory violation, because Minn. Stat. § 326B.32, subd. 2(a)(3) requires the incorporation of the most recently published edition of the NEC into Minnesota's electrical code

As stated, the Board’s view was that without adoption of the most current NEC the state of MN would fall behind in electrical standards to our detriment. The Board also made argument that failure to adopt the proposed rule could be considered a statutory violation. Again, without a Board reversal of direction, these statements should be taken into account. And if the Board has changed course, the public should be aware of it, and able to propose local level amendments through a newly established state level process.

**3. SECTION III-Critiques of the Board’s Minn. Stat. § 14.131 Analysis
SUBSECTION A-GENERAL CRITICISMS**

53. The Board disputes the characterization of its process as “rubber stamping.” Rather, the Board believes that it complied with all procedural and notice requirements, and that it reasonably relied upon and thoroughly analyzed the outcome of the rigorous analysis and public debate that occurred at the national level during the development of the most recent version of the NEC

54. The Board also explained that, unlike other parts of the building code that are impacted by a region’s particular terrain, geological underpinnings, and weather, among other factors, electrical safety is little impacted by those considerations.⁸⁵ As demonstrated by the record in this matter, no evidence was presented to show that methods for preventing the electrocution of installers and end users of electricity significantly differ from state to state. In the same way, the methods for preventing fires from electricity may differ slightly but not significantly based on choices made in other sections of the building code. This is one reason why the Board believes its decision to enact the NEC without amendment may be viewed as warranted, practical, efficient, and cautious rather than rushed and predetermined. The record demonstrates that the NEC does not trend only towards greater precautions and concomitant costs but will, as occurred in the 2020 iteration with the GFCI requirement for certain agricultural receptacles, remove requirements determined to be more burdensome than useful.

55. The Administrative Law Judge finds that the Board’s rulemaking process in considering the 2020 NEC—including its consideration of changes from the 2017 NEC and whether Minnesota-specific amendments were warranted—complied with procedural and notice requirements, was thorough and well-reasoned, and was not arbitrary or capricious.

The Board during the 2020 code cycle “reasonably relied” upon the national level process of the NEC. The Board contended that NEC adoption without amendment was “warranted, practical, efficient, and cautious”. The Administrative Law Judge concurred. Again, without reversal of Board opinion, this shows that no need for local level amendment is warranted.

4. SECTION III-Critiques of the Board's Minn. Stat. § 14.131 Analysis SUBSECTION A-GENERAL CRITICISMS

65. In response to the Commenters' criticism of the Board's analysis under this section, the Board states that the Minnesota legislature has mandated that the Board specifically adopt the most current version of the National Electrical Code available. The Board says that, unlike the Minnesota Plumbing Board or the Department of Labor and Industry, which are given the discretion as to which model code to review for adoption and incorporation, the legislature did not give the Board of Electricity the discretion to choose between available model codes or create its own "homegrown" electrical code. The Board references Minn. Stat. §§ 326B.435, subd. 2 (a)(3) (Plumbing Board) and 326B.106, subd. 1 (Department of Labor and Industry)

67. Minn. Stat. § 326B.32, subd. 2, compels the Board to adopt "the most current edition of the [NEC] and any amendments thereto." The adoption of amendments is controlled by Minn. Stat. § 326B.32, subd. 6(b)-(e), which states that amendments receiving an affirmative two-thirds or more majority vote of voting Board members shall be included in the next code rulemaking proceeding initiated by the Board. Furthermore, during an active code rulemaking procedure, subdivision 6(c) permits the Board to reconsider code amendments that previously failed to receive a two-thirds majority vote, but "only if new or updated information that affects the electrical code amendment is presented to the board." Thus, although the statute requires the Board to adopt the NEC and no other code, it does permit the Board to consider and adopt amendments to the NEC. During this rulemaking procedure, the Board, in its discretion, chose not to adopt any amendments. The procedure for allowing reconsideration of amendments during an open rulemaking procedure would permit the Board to reconsider amendments within the scope of the subjects of the rulemaking notice, of its own accord, or on an administrative law judge's recommendation, and vote in their favor if commenters brought to light new or updated information affecting those amendments.

68. The Administrative Law Judge finds that the Board's rulemaking process resulting in the adoption in full of the most recent NEC does not constitute an exercise of the Board's will over its judgment. The record demonstrates that the Board appropriately considered whether the adoption in full of the NEC was the least costly measure for adopting the that code. Although the statute permits the Board to adopt amendments to the NEC, the Board has explained that adopting Minnesota-specific amendments would not ensure safety and provide a uniform set of electrical regulations. Thus, the record supports the Board's finding that no amendments to the NEC are appropriate in this proceeding.

The Board has in it's power the ability to amend the electrical code. I have found no evidence that allows Mr. Hunter to make change to the electrical code without vote by the Board. The Board's position in the 2020 NEC cycle was that local amendments to the electrical code would be detrimental to safety, and to regulations. I have found no evidence of the Board reversing it's position.

5. SECTION IV-Rulemaking Legal Standards

106. The Administrative Law Judge must make the following inquiries: whether the agency has statutory authority to adopt the rule; whether the rule is unconstitutional or otherwise illegal; whether the agency has complied with the rule adoption procedures; whether the proposed rule grants undue discretion to government officials; whether the rule constitutes an undue delegation of authority to another entity; and whether the proposed language meets the definition of a rule.

Unilateral amendment of the electrical code, amendment by interpretation, or directed non-compliance of the electrical code by Mr. Hunter would constitute “an undue delegation of authority”. I request that Mr. Hunter be made aware of his role in the DLI, and where his authority begins and ends. I believe that giving Mr. Hunter the authority to solely determine amendment, amendment by interpretation, or directed non-compliance would be covered under MN Administrative Rule 1400.2100 A-D (see exhibit D.1).

A. Non-compliance of procedural regulations

B. Not rationally related to the Agency’s objective

C. Is substantially different from the proposed rule

D. Grants the Agency discretion beyond what is allowed by law

6. SECTION V- Rule By Rule Analysis

SUBSECTION A-2020 NEC Section 210.8(A): Ground-Fault Circuit-Interrupter Protection for Dwelling Units

119. In its response, the Board stated that GFCIs are intended to protect individuals from a fatal electric shock. A ground-fault condition occurs when an electrical current takes an unintentional path back to the source of the electricity by coming into contact with a grounded surface, such as the metal case of an electric power tool or a person standing in damp grass. This unintentional electrical current is often referred to as “leakage current.” Ground faults commonly occur in a dwelling due to worn wire insulation, miswiring, or when a faulty cord or plug on an appliance causes the hot wire to directly connect with another pathway to the ground, which can be a person. This hazard of electrical shock is increased in the presence of moisture or water, which is an excellent conductor of electrical current. As Dean Hunter explained in his testimony, a GFCI “protect[s] people from the hazards of electrical shock” and is able to do this because “it senses the imbalance of electrical current between the hot and the neutral conductor.” When this imbalance of electrical current occurs, a GFCI causes the circuit to de-energize and shuts off the flow of electricity, thereby preventing an individual using a faulty appliance from experiencing electric shock.

120. The Board further explained that the location of the 250-volt receptacle does not necessarily mitigate potential hazards. The Board noted that while it may be correct that 250-volt receptacles are generally installed behind a range or dryer, but if so they are still accessible to the consumer as is any other receptacle in the home that is located behind furniture or any other large object. Consequently, the location of the receptacle has little to no impact on the hazards posed by water

and electricity, so the Board believes the GFCI expansion contained in the 2020 NEC is needed and reasonable.

121. While it is undeniable that the proposed rule will result in real impacts on the prices of new homes, the Department made a reasoned decision that, after considering the costs and benefits, expanding GFCI requirements to receptacle outlets rated at 250-volts is an available, reasonable, and needed protection against potential hazards, including electrocution. The proposed rule is needed and reasonable as those terms are used in the Administrative Procedure Act.

Mr. Hunter made testimony stating that GFCI protection prevents an individual using a faulty appliance from experiencing electrical shock. To make this testimony in September of 2020 and then to privately, and departmentally make contrary exceptions less than 3 years later is perplexing to say the least. I implore the Board, and Mr. Hunter to take into account their own testimony from 2020.

I suggest that the unwanted tripping events that have occurred with appliances be addressed through means other than exception or amendment.

Unwanted tripping of appliances is generally not the fault of, nor the responsibility of electrical contractors to solve. And it is most certainly not the consumer bases fault. This responsibility lies solely on the manufacturer of the appliance to ensure an appliance sold can meet the standards of safety in place.

I recommend the Board make contact with other appropriate state or federal agencies to address the rights of the consumer to be sold a functional, safe appliance. And I furthermore recommend that the Board make it clear that no exception for deletion of GFCI protection will be made, either at the state, or rogue inspector level.

I ask that the Board make it clear that changes, amendments, directed non-compliance, etc... are under the sole purview of the Board of Electricity. Any changes which affect the electrical code should be made public so that we may all follow or utilize those changes.

1400.2100 STANDARDS OF REVIEW.

A rule must be disapproved by the judge or chief judge if the rule:

A. was not adopted in compliance with procedural requirements of this chapter, Minnesota Statutes, chapter 14, or other law or rule, unless the judge decides that the error must be disregarded under Minnesota Statutes, section 14.15, subdivision 5, or 14.26, subdivision 3, paragraph (d);

B. is not rationally related to the agency's objective or the record does not demonstrate the need for or reasonableness of the rule;

C. is substantially different than the proposed rule, and the agency did not follow the procedures of part 1400.2110;

D. exceeds, conflicts with, does not comply with, or grants the agency discretion beyond what is allowed by, its enabling statute or other applicable law;

E. is unconstitutional or illegal;

F. improperly delegates the agency's powers to another agency, person, or group;

G. is not a "rule" as defined in Minnesota Statutes, section 14.02, subdivision 4, or by its own terms cannot have the force and effect of law; or

H. is subject to Minnesota Statutes, section 14.25, subdivision 2, and the notice that hearing requests have been withdrawn and written responses to it show that the withdrawal is not consistent with Minnesota Statutes, section 14.001, clauses (2), (4), and (5).

Statutory Authority: *MS s 14.386; 14.388; 14.51*

History: *20 SR 2058*

Published Electronically: *August 6, 2013*

Board of Electricity Request for Interpretation

Name of submitter	Date	Rule(s) to be interpreted (e.g., Mn Rule Part 3801.XXXX, subpt. XX):		
Tim Kunkel	06/26/2025	326B.127		
Company Name	Phone number	Email address		
Tim Kunkel Electric L.L.C.	(651) 353-1072	tim@timkunkelelectric.com		
Mailing address	City or Township	State	Zip	
1838 Laurel Avenue	Saint Paul	MN	55104	

The National Electrical Code (NEC) is available at

<https://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=70>

Has a request for interpretation been submitted to Minnesota Department of Labor and Industry (DLI) staff, either as a verbal request or a written request? ☒ Yes ☐ No

- If "No," contact DLI staff at 651-284-5820. DLI staff are responsible for administration and initial interpretation of the National Electrical Code. All requests must first be processed by DLI and provided with a staff interpretation before being referred to the Board of Electricity. This form is intended to be used to request an interpretation from the Board of Electricity only as a resolution of dispute with DLI interpretation.

Code Section(s) to be interpreted (e.g., 20XX NEC, Ch XX, § XXX.XX):	Date interpretation was first requested:	Name of DLI staff member who provided interpretation:
MN STATE STATUTES	ONGOING	Dean Hunter by practice

Provide a copy of the DLI interpretation with this request (a copy must be provided as reference).

Is there a dispute with a local Inspector or other official?	If Yes, provide the name and type of official:
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dean Hunter

Describe the circumstances underlying the initial dispute:

There has been an ongoing pattern of Mr. Hunter enacting unilateral code changes, interpretations, and exceptions. These changes and interpretations have been purposefully concealed from certain sections of the public/contractors

Explain why you disagree with the interpretation given to you by DLI staff:

I believe that the BOE has the final authority for code changes.

Provide and explain your interpretation of the relevant Code section or Rule part's language:

I believe the state statute is accurate, and that Mr. Hunter has purposefully and willingly not complied with those statutes

Provide any additional information you would like the Board to consider:

I would like the Board of Electricity to be given back the power it was given by statute that has been subverted.

Information regarding submitting this form:

- Submit this form and any supporting documentation to be considered electronically to DLI.CCLDBOARDS@state.mn.us or mail to Board of Electricity, c/o CCLD, Department of Labor and Industry, 443 Lafayette Road North, St. Paul, MN 55155.
- Once your Request for Interpretation form has been received, it will be assigned a file number. Please reference this file number on any subsequent correspondence and supplemental submissions.

Information for presentation to the Board:

- You will be notified with the date of the Board Meeting in which your Request for Interpretation will be heard.
- Please limit presentations to 10 minutes or less.
- Be prepared to answer questions regarding the Code Section/Rule Part at issue and the circumstances that led to the dispute.

What you can do if you disagree with the Board’s determination:

- You may appeal the Board’s final determination pursuant to Minnesota Statutes §326B.127, subd. 5 (2020).

For assistance or questions on completing this form, please call 651-284-5820.

This material can be made available in different forms, such as large print, Braille, or on a tape. To request, call 1-800-342-5354.

Office Use Only			
RFI File No.	Date Received by DLI	Dated Received by Board	Date of Board Meeting
Title of RFI	By:		

2023

Attachment C

July 2025, Board of Electricity Request for Interpretation Requests

Topics to Discuss

- Email Correspondence
- RFI – Section 210.8(A)(6)
- RFI – MN Statute 326B.127
- RFI – Section 230.67(A), and section 215.18(A)

Request for Interpretation - 210.8 (A)(6)

210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.

A listed Class A GFCI shall provide protection in accordance with 210.8(A) through (F). The GFCI shall be installed in a readily accessible location.

Informational Note: See 215.9 for GFCI protection on feeders.

For the purposes of this section, the distance from receptacles shall be measured as the shortest path the power supply cord connected to the receptacle would follow without piercing a floor, wall, ceiling, or fixed barrier.

210.8(A) Dwelling Units.

All 125-volt through 250-volt receptacles installed in the following locations and supplied by single-phase branch circuits rated 150 volts or less to ground shall have ground-fault circuit-interrupter protection for personnel:

(1) Bathrooms

(2) Garages and also accessory buildings that have a floor located at or below grade level not intended as habitable rooms and limited to storage areas, work areas, and areas of similar use

(3) Outdoors

(4) Crawl spaces — at or below grade level

(5) Basements

(6) Kitchens

(7- 12).....

210.8(D) Specific Appliances.

GFCI protection shall be provided for the branch circuit or outlet supplying the following appliances rated 150 volts or less to ground and 60 amperes or less, single- or 3-phase:

(1) – (7) ... see NEC

(8) Electric ranges

(9) Wall-mounted ovens

(10) Counter-mounted cooking units

(11) Clothes dryers

(12) Microwave ovens

Department's position

The NEMA incident report was always intended as a last resort, with compliance remaining our top priority.

Prior to utilizing this alternative option, **we had no options available to support installers in the field.**

Recommending that homeowners switch to a different appliance brand was not a feasible solution.

Before the implementation of this approach, we received numerous complaints, underscoring the challenges faced by both inspectors, installers and homeowners in the absence of manufacturer guidance.

Department's response

1. The first email sent to the team regarding this issue was on **October 23, 2023**. All state and contractor inspectors received it. When other municipal inspectors inquired about a solution, I shared the email with them upon request. In the message, we requested verification letters confirming compatibility or proposing a solution to correct the installation.
2. The second email was sent on **June 26, 2024**, to reaffirm our position. The slight change was that we permitted the removal of the GFCI protection device once the required submissions were uploaded to the permit. This change was made in response to the continued lack of feedback from the manufacturers. All state and contractor inspectors were included in the communication. Since then, I have spoken publicly about our position to help ease tension within the industry.

October 2023 email

During the meeting, GFCI protection for ranges and dryers were discussed and I shared that we have a couple links from NEMA that you could share. As mentioned in the statement below, we'll wait for NEMA or either the appliance or breaker manufacturers to tell us they have no solution, otherwise, the expectation is that the installer provides the protection.

If your installers don't get any responses after submitting the document, let me know and I'll reach out to my contacts at NEMA to find out what the status is.

Email that you can share with installers with links:

The department's position is that we are requiring GFCI protection to be provided. We have been enforcing this requirement since the spring of 2021.

The links below are for the National Electrical Manufacturers Association (NEMA). Please send an incident report regarding your specific nuisance tripping events. Typically, NEMA follows up with the appliance or breaker manufacturer, and in most instances, they are able to get the issues resolved.

GFCI issues can be documented here: <https://www.nema.org/membership/products/gfci-unwanted-tripping-report>

AFCI issues can be documented here: <https://www.afcisafety.org/>

When we get a response back from the manufacturer, or NEMA, stating that the only way to resolve the issue is to forgo the protection, then we will grant permission.

June 2024 email

I am proposing that we change our protocol, a bit, to take us (the enforcement community) and our contractors/homeowners out of the waiting game to eliminate some of the frustration. My proposal is this: the contractor/homeowner needs to complete the incident report, as before - but now, they just need to provide us proof that the report (screenshot) was sent to NEMA. In this situation, we are letting the manufacturers oversee the process.

Moving forward, here will be state's protocol:

GFCI breakers are installed and inspected for NEC compliance. If after the appliance is installed, the appliance is shown to not be compatible with the GFCI protection, the contractor or homeowner will submit a NEMA incident report, and the GFCI breaker can be removed.

GFCI issues can be documented here: <https://www.nema.org/membership/products/gfci-unwanted-tripping-report>

AFCI issues can be documented here: <https://www.afcisafety.org/>

The contractor or homeowner provides proof, which is uploaded to the permit, that shows a NEMA incident report was submitted for an appliance at a specific address. (This could be a screenshot of the report on their webpage)

If the breaker or appliance manufacturers provide a solution - it is up to the contractor/homeowner to make the necessary repairs and provide GFCI protection.

As a code official, I am not advocating for less safety but have a hard time when contractors/homeowners don't have a solution to remedy these situations. Simply telling someone it doesn't work so they can't use their appliances, or that GFCI protection is a "joke" and taking the breaker out - is not a solution.



- Report Numbers:

- Number of AFCI reports submitted by MN residents/contractors in 2024
 - Total: 6
 - 4 from contractors
 - 2 from the same homeowner
- Same info for 2025
 - Total: 5
 - 3 from contractors
 - 2 from homeowners
- And if the number of submittals has increased, decreased, or remained flat.
 - More or less remained flat.

Report Numbers:

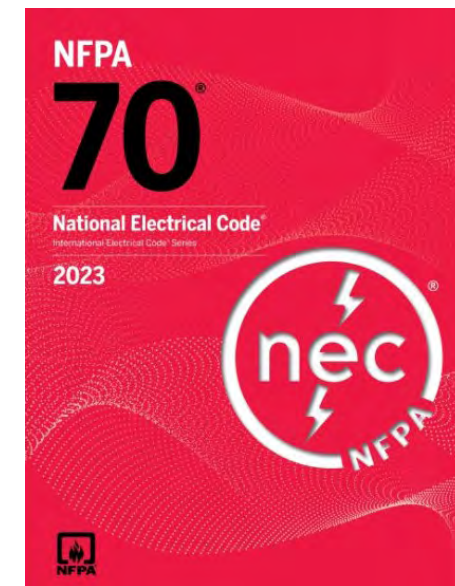


Here are the numbers for GFCIs.

- Number of GFCI reports submitted by MN residents/contractors in 2024
 - Total: 708
 - 9 from contractors
 - 699 from owner, president, inspector, office coordinator, etc.
- Same info for 2025
 - Total: 172
 - 2 from contractors
 - 170 from owner, president, scheduler, etc.
- And if the number of submittals has increased, decreased, or remained flat.
 - Number of submittals decreased.

90.4(B) Interpretations.

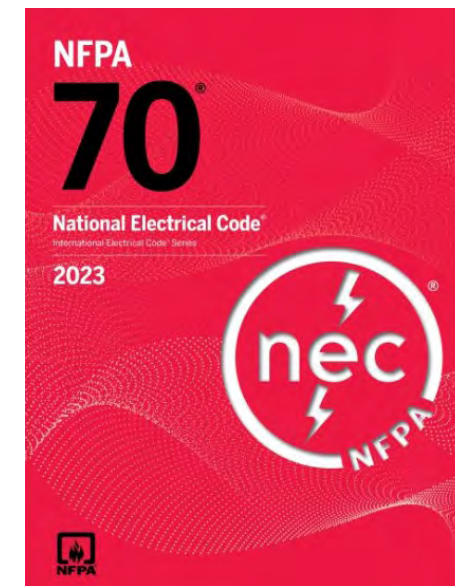
The **authority having jurisdiction** for enforcement of the Code has the responsibility for making interpretations of the rules, for deciding on the approval of equipment and materials, and **for granting the special permission** contemplated in a number of the rules.



NEC 90.4 Enforcement

90.4(C) Specific Requirements and Alternative Methods.

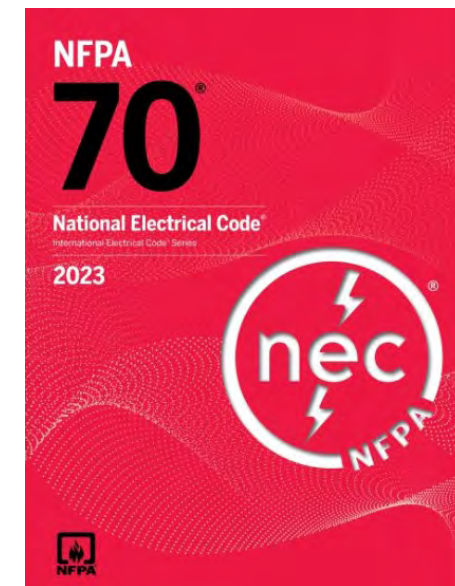
By special permission, the authority having jurisdiction may waive specific requirements in this Code or permit alternative methods where it is assured that equivalent objectives can be achieved by establishing and maintaining effective safety.



NEC 90.4 Enforcement

90.4(D) New Products, Constructions, or Materials.

This Code may require new products, constructions, or materials that may not yet be available at the time the Code is adopted. In such event, the authority having jurisdiction may permit the use of the products, constructions, or materials that comply with the most recent previous edition of this Code adopted by the jurisdiction.



Request for Interpretation - 210.8 (A)(6)

Questions?

- Board's requested action?

Request for Interpretation – Minnesota Statute 326B.127

326B.127 STATE BUILDING OFFICIAL.

Subd. 5. Interpretative authority. To achieve uniform and consistent application of the State Building Code, the commissioner has final interpretative authority applicable to all codes adopted as part of the State Building Code **except for** the Plumbing Code, **the Electrical Code,** and the High Pressure Piping Code.

The Board of Electricity has final interpretative authority applicable to the State Electrical Code and shall review requests for final interpretation made to the board that relate to the State Electrical Code.

The Plumbing Board, the Board of Electricity, or the Board of High Pressure Piping Systems shall review a request and issue a final interpretation within 30 days of the request. Any person aggrieved by a final interpretation may appeal the interpretation within 30 days of its issuance by the commissioner or the board in accordance with chapter 14. The final interpretation must be published within ten business days of its issuance and made available to the public.

Request for Interpretation – Minnesota Statute 326B.127

Questions?

- Board's requested action.

Request for Interpretation – 230.67(A) and 215.18(A)

230.67 Surge Protection.

230.67(A) Surge-Protective Device.

All services supplying the following occupancies shall be provided with a surge-protective device (SPD):

- (1) Dwelling units
- (2) Dormitory units
- (3) Guest rooms and guest suites of hotels and motels
- (4) Areas of nursing homes and limited-care facilities used exclusively as patient sleeping rooms

Request for Interpretation – 230.67(B)

230.67(B) Location.

The SPD shall be an integral part of the service equipment or shall be located immediately adjacent thereto.

Exception: The SPD shall not be required to be located at the service equipment as required in 230.67(B) if located at each next level distribution equipment downstream toward the load.

Request for Interpretation – 230.67(A) and 215.18(A)

215.18 Surge Protection.

215.18(A) Surge-Protective Device.

Where a feeder supplies any of the following, a surge-protective device (SPD) shall be installed:

- (1) Dwelling units
- (2) Dormitory units
- (3) Guest rooms and guest suites of hotels and motels
- (4) Areas of nursing homes and limited-care facilities used exclusively as patient sleeping rooms

12. Sections 215.18, 225.42 and 230.67:

New language was added similar to section 230.67 to require surge protection devices (SPDs) for both feeders and outside feeders. The need for the protection is to limit damage to electronic devices and equipment which can be rendered inoperable by a surge. The areas where the surge protection is required has been expanded and will now include new installations as well as replacement distribution equipment located in: (1) Dwelling units (2) Dormitory units (3) Guest rooms and guest suites of hotels and motels (4) Areas of nursing homes and limited-care facilities used exclusively as patient sleeping rooms

The Type 1 or Type 2 SPD must be installed in or adjacent to the **distribution equipment** connected to the load side of the feeder that contains branch circuit overcurrent protective device(s). **This requirement does not apply to a feeder disconnect that supplies a single branch circuit.** In addition, the SPD shall have a nominal discharge current rating (In) of not less than 10kA.

Request for Interpretation – 230.67(A) and 215.18(A)

Questions?

- Board's requested action.

Proposed Rulemaking

- Proposed Amendment to Rules Relating to Licensing, Minnesota Rules, Chapter 3800; Minnesota Board of Electricity
- Proposed Amendment to Rules Relating to Electrical Procedures and Repeal of Rules Relating to Training, Minnesota Rules, Chapter 3801; Minnesota Department of Labor and Industry Construction Codes and Licensing Division

Proposed draft language highlights: Deletion

3800.3520 EXAMINATION; MINIMUM EXPERIENCE REQUIREMENTS FOR LICENSURE; ACCEPTABLE EXPERIENCE.

Proposed to remove part (C)

~~C. Experience while performing electrical work in Minnesota for an employer who is exempt from licensing when the work is exempt from inspection under Minnesota Statutes, section 326B.36, or when the work is performed on federal property by a federal employee, if the department has determined in either situation that the experience is substantially equal to that acquired in performing work while in the employ of a licensed contractor. The determination shall be made after a personal inspection by not less than two department representatives on the premises where the applicable work was performed.~~

- Not reasonable to expect department personnel to review an individual's time, and work experience during an on-site inspection.

Proposed draft language highlights: Relocation and minor revisions

Electrical Training Programs

Proposed parts 3800.3620 through 3800.3685 are relocated (with minor changes) from parts 3801.3820 through 3801.3885 and address requirements for electrical training programs that can be used to fulfill the experience credit requirements for electrical license applicants.

The rules governing approval of electrical training programs are currently located in chapter 3801, which is adopted by the Department. The Department is proposing the repeal of those amendments to chapter 3801 as part of a rulemaking so that they may be adopted by the Board, which has the authority to adopt rules governing licensure of the electrical industry, including the adoption of rules governing the requirements for approval of electrical training programs.

Proposed draft language highlights: Deletion

- Delete requirements for exemption from “listing for custom equipment” in 3801.3620 Subpart 3 (D).
 - Minnesota Rules Chapter 3801.3620, Subpart 3(D)(1) is often misunderstood. While custom-made electrical equipment may be exempt from listing and labeling, it must still be tested by the manufacturer to all applicable national standards. The resulting test data is subject to review and approval by the department, just as it would be for a third-party field evaluation.
 - Minnesota Rules Chapter 3801.3620, Subpart 3(D)(2) refers to an inspection program that was envisioned years ago but never implemented. The department lacks the resources, staffing, and expertise to evaluate complex custom-made equipment. If such a situation arose, the department would contract a third-party entity to perform the evaluation—a process that could take several months. It is more efficient and cost-effective for the equipment purchaser or manufacturer to directly engage a third-party evaluator.

Proposed draft language highlights: Revisions

- 3801.3770 - Where wiring is to be concealed, the inspector must be notified sufficiently in advance to permit completion of a rough-in inspection of the wiring method and conductor splicing before concealment.....
- 3801.3780 Subp. 1. **Final inspection.** Installers of electrical wiring shall schedule a final inspection of the work associated with an electrical permit prior to the wiring being utilized by the intended user and the associated space being occupied. **Removed the words “or otherwise notify”**
- 3801.3780 Subp. 2. - **Expiration.** Electrical permits with inspection fees of ~~\$250~~ **\$1000** or less are void 12 months from the original filing date...
- 3801.3780 Subp. 4. **Nonpayment of permit fees.** The department shall not accept a permit application from an electrical contractor, registered employer, or owner that has not paid in full the fees for previously issued permits.

Questions?

Dean Hunter

Dean.hunter@state.mn.us

218-770-1263

CHAPTER 3800

BOARD OF ELECTRICITY

LICENSING AND TRAINING

3800.3520 EXAMINATION; MINIMUM EXPERIENCE REQUIREMENTS FOR LICENSURE; ACCEPTABLE EXPERIENCE.

[For text of subparts 1 to 3, see Minnesota Rules]

Subp. 4. Acceptable experience for certain categories in certain situations.

Experience in the categories of planning for the installation of wiring, apparatus, and equipment for light, heat, and power; laying out for the installation of wiring, apparatus, and equipment for light, heat, and power; supervising the installation of wiring, apparatus, and equipment for light, heat, and power; and wiring and installing electrical wiring, apparatus, and equipment for light, heat, and power is acceptable in the situations described in items A to E.

[For text of items A and B, see Minnesota Rules]

~~C. Experience while performing electrical work in Minnesota for an employer who is exempt from licensing when the work is exempt from inspection under Minnesota Statutes, section 326B.36, or when the work is performed on federal property by a federal employee, if the department has determined in either situation that the experience is substantially equal to that acquired in performing work while in the employ of a licensed contractor. The determination shall be made after a personal inspection by not less than two department representatives on the premises where the applicable work was performed.~~

D. and E. See relettering instruction.

[For text of subpart 5, see Minnesota Rules.]

ELECTRICIAL TRAINING PROGRAMS

3800.3620 PURPOSE.

Parts 3800.3620 to 3800.3685 establish requirements for approval of programs that will be used to fulfill the experience credit requirements for electrical license applicants.

3800.3625 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of parts 3800.3620 to 3800.3685, the terms defined in this part have the meanings given them.

Subp. 2. **Advanced standing.** "Advanced standing" means credit toward program completion for prior education recognized by a postsecondary program through a developed

procedure including transfer of credits for courses that are at least 80 percent similar to those in an approved program, and credit by examination for up to 25 percent of program courses.

Subp. 3. **Approval period.** "Approval period" means a time frame beginning with the approval beginning date and extending until the program is discontinued or commissioner approval is removed or not continued through the reapplication process.

Subp. 4. **Board.** "Board" means the Board of Electricity.

Subp. 5. **Course.** "Course" means a part of a program that consists of an individual knowledge or skill area, or part of a larger knowledge or skill area.

Subp. 6. **Electrical work.** "Electrical work" means the installing, altering, repairing, planning, or laying out of electrical wiring, apparatus, or equipment for light, heat, power, or other purposes. The installing, altering, repairing, planning, or laying out of electrical wiring apparatus or equipment for light, heat, power, or other purposes includes, but is not limited to, the performance of any work governed by the standards referred to in Minnesota Statutes, section 326B.35.

Subp. 7. **Independent study.** "Independent study" means student learning effort within the specific program content that is outside of lecture, shop, or lab time and does not require student/instructor contact.

Subp. 8. **Survey.** "Survey" means collecting and analyzing information to assess compliance with parts 3800.3620 to 3800.3685. Information must be analyzed by multiple methods, including review of requested information and materials, on-site evaluation, or interviews and conferences with program administrators, instructors, or students.

3800.3627 TWO-YEAR ELECTRICAL PROGRAM.

To qualify for approval, a two-year electrical program must be a postsecondary program that awards a diploma or an associate of applied science degree at completion and meets the requirements of parts 3800.3620 to 3800.3670. Satisfactory completion of an approved two-year electrical program fulfills the one year's experience credit allowance for a Class A journeyworker electrician, power limited technician, or maintenance electrician license applicant according to part 3800.3520, subpart 5, items B, E, and I, and Minnesota Statutes, section 326B.33, subdivisions 2, paragraph (b), and 7, paragraph (b).

3800.3631 POWER LIMITED TECHNICIAN PROGRAM.

To qualify for approval, a power limited technician program must either be a two-year electrical program described in part 3800.3627 or other program that has at least 500 hours of student and instructor contact time meeting the program content described in part 3800.3680. Approval for experience credit for programs other than a two-year electrical program is based on

increments of 100 hours, or major fraction thereof, of student and instructor contact time up to a maximum of 2,000 hours.

3800.3640 APPLICATION FOR PROGRAM APPROVAL.

Subpart 1. **Content.** An application for approval of a program must meet each of the requirements in items A to G.

A. The application must be in a format provided by the commissioner and contain complete, current, and accurate information.

B. The application must include a syllabus for each program course.

C. The application must include a detailed written description of how the program meets the required program content.

D. The application must identify course instructors and their qualifications.

E. The information in the application must be able to be confirmed by survey.

F. The application must identify a beginning date corresponding to an initial student enrollment date. Students enrolled after the beginning date who successfully complete an approved program within the approval period are eligible for experience credit.

G. The application must be signed by the administrator and department head of a program or another official representative of the applicant.

Subp. 2. **Processing.** The commissioner shall review all applications. Items A to E apply to all applications.

A. Incomplete applications must be immediately returned to the applicant.

B. Upon review of completed applications, including completion of a survey, any deficiencies must be noted and identified to the applicant.

C. If no deficiencies are noted or all identified deficiencies have been corrected, the commissioner shall recommend approval to the board.

D. If the applicant fails to correct identified deficiencies, the commissioner shall recommend disapproval to the board.

E. An applicant may request a hearing before the board to appeal disapproval of a program.

3800.3645 REPORTING AND REAPPLICATION FOR APPROVAL.

A. By July 1 of each year, the administrator of a program approved for experience credit shall provide an annual report to the commissioner. The annual report must include a copy of

course syllabi for approved programs, a detailed description of new courses or courses modified over ten percent, and identification and qualification of instructors, including instructor development. The annual report must be signed by the administrator and department head of the program or another official representative of the program provider.

B. An approved program must be resubmitted for approval by July 1 of the fifth year from the last approval date. At its discretion, the commissioner may modify the initial time period for resubmission to achieve review of approximately 20 percent of approved programs each year.

C. The administrator of an approved program shall provide information as part of a survey upon request of the commissioner.

D. The administrator of an approved program shall notify the commissioner when an approved program is discontinued.

3800.3650 REMOVAL OF APPROVAL.

A. The board shall remove approval of a program based on a determination by survey that the program does not meet the requirements for approval.

B. The board may remove approval of a program if the administrator of an approved program fails to provide the annual report according to part 3800.3645.

C. The board may remove approval of a program if the administrator of an approved program fails to resubmit the program for reapplication by July 1 of the fifth year from the last approval date or the year assigned by the commissioner as allowed by part 3800.3645, item B.

3800.3655 VERIFICATION OF COMPLETION.

Upon inquiry by the commissioner, the provider of an approved program shall provide verification that an applicant has completed an approved program.

3800.3660 TWO-YEAR ELECTRICAL PROGRAM CONTENT.

Subpart 1. **Contact hours.** A two-year electrical program shall consist of 2,000 or more hours of student/instructor contact time and is subject to the following:

A. up to 200 hours of independent study may be substituted for student/instructor contact time;

B. a minimum of 1,600 hours of contact time must be technical electrical instruction;

C. at least 30 percent but not more than 40 percent of the technical electrical contact hours must be lecture and the balance shop or lab hours;

D. intern programs, whether internal or external, must not be used to comply with the contact hours requirement;

E. a student may receive advanced standing credit for up to one-third of the courses of an approved program.

Subp. 2. **Attendance policy.** A two-year electrical program must include an attendance policy that requires students to attend a minimum of 95 percent of each required program course. The program must include a provision for students to retake courses or make-up portions of courses when the student does not attend 95 percent or more of each required program course. Attendance records must be kept at the course level.

Subp. 3. **Technical content.** A two-year electrical program must include courses that cover the following knowledge and skill areas:

A. electrical theory;

B. electronic theory;

C. lighting systems;

D. heating and cooling systems;

E. motors;

F. generators;

G. transformers;

H. panelboards and switchboards;

I. overcurrent devices;

J. grounding;

K. motor controls;

L. electronic controls;

M. electrical code;

N. electrical test equipment and troubleshooting;

O. specification and blueprint reading;

P. installation and application of electrical materials and equipment;

Q. wiring methods;

R. conductors and cables;

S. tools, materials, and handling;

T. fire alarm systems;

- U. communication systems;
- V. alarm systems;
- W. data systems;
- X. electrical and jobsite safety;
- Y. related mathematics; and
- Z. related general education.

3800.3665 QUALIFICATIONS OF INSTRUCTORS FOR TWO-YEAR PROGRAMS.

Subpart 1. **Generally.** An instructor for a two-year electrical program shall meet the requirements in subparts 2 and 3.

Subp. 2. **Licensing, experience, and education.** An instructor shall:

A. hold a current license issued by the Department of Labor and Industry as a Class A master electrician or a Class A journeyworker electrician;

B. hold a current license issued by an electrical licensing authority in the state where the school is located if the state has a reciprocal agreement with the Department of Labor and Industry for either master or journeyworker licenses;

C. have a Bachelor of Science degree in electrical engineering and have 4,000 hours of experience performing electrical work;

D. have an associate of applied science degree in electrical construction or maintenance, or both, and have 6,000 hours of experience performing electrical work;

E. have a two-year diploma for completing a two-year electrical construction program or maintenance program, or both, and have 6,000 hours of experience performing electrical work;
or

F. for courses limited to specific technical or general education areas, other than general wiring methods or the application of electrical codes, be a technical expert based on special training or certification or accreditation in the specific knowledge or skill area.

Subp. 3. **Recent initial experience.** Except for instructors of courses in subpart 2, item F, a minimum of 2,000 hours of the required instructor experience must have been in the five years prior to the application for program approval or the instructor's employment date, whichever is later, and consist of either:

- A. a minimum of 2,000 hours of experience performing electrical work; or

B. (1) up to 1,500 hours of experience credit for instruction based on a formula in which one hour of instruction equals two hours of experience credit; plus (2) a sufficient number of hours of experience performing electrical work to total 2,000 hours.

3800.3680 POWER LIMITED TECHNICIAN PROGRAM CONTENT.

Subpart 1. **Contact hours.** A power limited technician program shall consist of a minimum of 500 hours of student and instructor contact time and is subject to the following:

A. up to ten percent of the approved hours may be independent study;

B. a minimum of 80 percent of the approved hours must be technical electrical instruction; and

C. intern programs, whether internal or external, must not be used to comply with the contact hour requirement.

Subp. 2. **Attendance policy.** A power limited technician program must include an attendance policy that requires students to attend a minimum of 95 percent of each required program course. The policy must include a provision for students to retake courses or make up portions of courses when the student does not attend 95 percent or more of each required program course. Attendance records must be kept at the course level.

Subp. 3. **Technical content.** A power limited technician program must include courses that cover the following knowledge and skill areas:

A. electrical theory;

B. electronic theory;

C. Class 2 and Class 3 power supplies;

D. Class 2 and Class 3 circuits;

E. grounding;

F. electrical code;

G. electrical test equipment and troubleshooting;

H. specification and blueprint reading;

I. wiring methods;

J. conductors and cables;

K. tools, materials, and handling;

L. electrical and job site safety;

M. related mathematics;

N. related general education; and

O. technology circuits or systems.

A minimum of 30 percent, but not more than 50 percent, of the total student and instructor contact time must be on technology circuits or systems as defined in Minnesota Statutes, section 326B.31, subdivision 29.

3800.3685 QUALIFICATIONS OF INSTRUCTORS FOR POWER LIMITED TECHNICIAN PROGRAMS.

Subpart 1. **Generally.** An instructor for a power limited technician program shall meet the requirements of subparts 2 and 3.

Subp. 2. Licensing, experience, and education. An instructor shall:

A. hold a license as issued by the Department of Labor and Industry as a Class A master electrician, Class A journeyworker electrician, or power limited technician;

B. hold a current license issued by an electrical licensing authority in the state where the school is located if the state has a reciprocal agreement with the Department of Labor and Industry for either master, journeyworker, or power limited technician, or equivalent licenses;

C. have a Bachelor of Science degree in electrical or electronic engineering and have 3,000 hours of experience in engineering, planning, laying out, supervising, or installing technology system wiring;

D. have an associate of applied science degree in electrical construction or maintenance, or both, and have 4,000 hours of experience performing electrical work;

E. have a two-year diploma for completing a two-year electrical construction or maintenance program, or both, and have 4,000 hours of experience performing electrical work;

F. have an associate of applied science degree in technology systems, and have 4,000 hours of experience performing technology system work;

G. have a two-year diploma for completing a two-year technology systems program, and have 4,000 hours of experience performing technology system work;

H. be a certified instructor for a nationally recognized training program; or

I. for courses limited to specific technical or general education areas, other than general wiring methods or the application of electrical codes, be a technical expert based on special training or certification or accreditation in the specific knowledge or skill area.

Subp. 3. **Recent initial experience.** Except for instructors of courses in subpart 2, item I, a minimum of 2,000 hours of the required instructor experience must have been in the five years

prior to the application for program approval or the instructor's employment date, whichever is later, and consist of either:

A. a minimum of 2,000 hours of experience performing electrical work, including technology system work; or

B. (1) up to 1,500 hours of experience credit for instruction based on a formula in which one hour of instruction equals two hours of experience credit; plus (2) a sufficient number of hours of experience performing electrical work to total 2,000 hours.

RELETTERING. Minnesota Rules, part 3800.3520, subpart 4, items D and E are relettered as C and D.

CHAPTER 3801

DEPARTMENT OF LABOR AND INDUSTRY

ELECTRICAL PROCEDURES ~~AND TRAINING~~

3801.3619 DEFINITIONS.

[For text of subpart 1, see Minnesota Rules]

Subp. 1a. **Board.** "Board" means the Board of Electricity.

Subp. 1b. **Department.** "Department" means the Department of Labor and Industry.

[For text of subparts 2 to 4, see Minnesota Rules]

Subp. 5. **Testing laboratory.** "Testing laboratory" means an electrical testing laboratory that has provided a written report to the ~~board~~ department showing that it has the facilities listed in Section ~~90-6~~ 90.7 of the National Electrical Code or that is accredited under the federal Occupational Safety and Health Administration Nationally Recognized Testing Laboratory program.

3801.3620 APPROVAL OF ELECTRICAL EQUIPMENT.

Subpart 1. **National standards.** Except as otherwise provided in subpart 2 or 3, as a condition for approval under Minnesota Statutes, section 326B.35, and ~~Section 110.2~~ of the National Electrical Code, all electrical equipment, including material, fittings, devices, apparatus, fixtures, appliances, and utilization equipment, used as part of, or in connection with, an electrical installation shall be listed and labeled by a testing laboratory.

Subp. 2. **Alternatives to listing and labeling.** With the exception of electrical equipment of types specifically required to be listed by the National Electrical Code, the ~~board~~ department shall accept one of the applicable methods described in item A or B as an alternative to listing and labeling.

A. Evaluation by a testing laboratory or by a registered or licensed electrical engineer who has no financial or other interest in the manufacture or sale of the equipment, provided that any deficiencies identified by the evaluation are corrected and the equipment complies with the listed requirements. A written report of the evaluation shall be submitted directly to the ~~board~~, department and shall state the standards that were applied in the evaluation. Evaluation reports by an electrical engineer acting independently of a testing laboratory shall also include an item-by-item comparison of the equipment with the requirements to be listed. If the ~~board~~ department finds that the evaluation or evaluation report is incomplete or inaccurate, it retains the right to require further evidence of compliance or to reject the equipment.

Evaluations conducted according to the procedures in this item shall be considered evidence of compliance of all identical equipment produced by that manufacturer for a period of one year from the time the evaluation was completed, or until the equipment has been listed,

whichever is less, provided that the manufacturer has applied for listing of the equipment, or produces fewer than 100 such units per year. Where additional identical equipment will be produced, the manufacturer shall provide the ~~board~~ department with a written statement giving the equipment model number and agreeing that all subsequent equipment will be identical to that which was evaluated and, where the equipment has not been submitted for listing, shall also provide a written report to the ~~board~~ department 12 months from the date of the evaluation report which lists the serial numbers of the equipment installed in Minnesota over the preceding 12 months.

Where deficiencies are identified by the initial evaluation report, those deficiencies shall be corrected for all subsequent units, the changes shall be verified by the person who performed the initial evaluation, and an amended report shall be submitted to the ~~board~~ department. If the manufacturer deviates from the construction established by the evaluation report, the equipment shall be reevaluated and any noncomplying equipment that was sold brought into compliance.

Where the evidence of compliance is an evaluation according to this item, the manufacturer shall affix a durable permanent label to the equipment in a readily visible location, which states: "This equipment is identical to equipment that was evaluated by (name), and found to be in compliance with the requirements to be listed. A copy of the evaluation report was filed with the ~~Minnesota State Board of Electricity~~ Department of Labor and Industry on (date)."

[For text of item B, see Minnesota Rules]

Subp. 3. **Equipment exempt from listing requirements.** Equipment described in items A to ~~B~~ D is exempt from the requirements in subpart 1 and 2.

A. Industrial machinery as defined by ~~Section 670.2~~ of the National Electrical Code is not required to be listed where all electrical components of the equipment, including electrical control panels and solid-state motor controls, are in compliance with item B, or C, ~~or D~~, or subpart 1 or 2, and all of the machine electrical wiring is in compliance with the National Electrical Code.

B. Electrical equipment enclosed in a listed cabinet or box suitable for the environment in which it is installed, and electrically connected only to circuits supplied from listed Class 2, ~~logic level~~, communications, or other circuits with maximum open circuit voltage of 30 volts rms AC, or DC, and overcurrent protection of eight amperes or less, or to any combination of such circuits, is not required to be listed; ~~provided further that any printed wiring boards shall be of listed material and shall be permitted to be supplied from a labeled microcomputer power supply.~~

C. Electrical control equipment constructed according to the listed requirements and enclosed in a listed cabinet or box suitable for the environment in which it is located, where the enclosed equipment consists of eight or fewer listed components, other than wires, cables, cords, terminal assemblies, nonelectrical components, and those covered under item B, ~~provided that the devices are not electrically connected to circuits on a printed wiring board other than those circuits covered under item B,~~ is not required to be listed.

~~D. Custom-made electrical equipment or related installations that are designed and manufactured to a purchaser's specifications and are not marketed to the general public are exempt from listing and labeling requirements. Equipment or installations exempt under this item are subject to the following:~~

~~(1) they must be determined to be safe for their intended use by the manufacturer on the basis of test data which the purchaser keeps and makes available to the electrical inspection authority having jurisdiction, as required by Code of Federal Regulations, title 29, section 1910.399 (1991), for equipment or installations subject to national occupational safety and health laws; or~~

~~(2) they must be inspected by the electrical inspection authority having jurisdiction for compliance with the construction requirements of the applicable electrical standards used by electrical testing laboratories to evaluate the equipment, or the National Electrical Code. Schematic wiring diagrams, component layout diagrams, and component electrical rating information shall be provided to enable evaluation under this subitem.~~

E. See relettering instruction.

3801.3770 ROUGH-IN INSPECTION OF WIRING TO BE CONCEALED.

Where wiring is to be concealed, the inspector must be notified sufficiently in advance to permit completion of a rough-in inspection of the wiring method and conductor splicing before concealment, exclusive of Saturdays, Sundays, and holidays. In the event wiring is concealed before rough-in inspection without adequate notice having been given to the inspector, the person responsible for having enclosed the wiring shall be responsible for all costs resulting from uncovering and replacing the cover material.

3801.3780 REQUEST FOR ~~INSPECTION CERTIFICATES~~ ELECTRICAL PERMITS, NOTIFICATION FOR FINAL INSPECTION, AND EXPIRATION.

Subpart 1. **Final inspection.** Installers of electrical wiring shall schedule a final inspection ~~or otherwise notify the electrical inspector that~~ of the work associated with a specific request for inspection certificate is completed an electrical permit prior to the wiring being utilized by the intended user and the associated space being occupied.

Subp. 2. **Expiration.** ~~Request for inspection certificates on installations~~ Electrical permits with inspection fees of ~~\$250~~ \$1000 or less are void 12 months from the original filing date regardless of whether the wiring is completed. A new ~~request for inspection certificate~~ permit shall be filed on all unfinished work when the work is not completed within 12 months from the filing date of the original ~~request for inspection certificate~~ electrical permit. An inspection fee calculated according to Minnesota Statutes, section 326B.37, for all unfinished work shall be submitted with the new ~~request for inspection certificate~~ electrical permit. ~~Request for inspection~~

~~certificate inspection~~ Electrical permit fees of ~~\$250~~ \$1000 or less are not refundable after 12 months from the original filing date.

Subp. 3. **Authority.** The authority to install electrical wiring associated with ~~a specific request for inspection certificate~~ an electrical permit is void at the time of a final inspection or expiration, whichever occurs first. The ~~board's~~ department's authority to inspect wiring covered by a ~~request for inspection certificate~~ electrical permit continues until the installation is approved at a final inspection.

Subp. 4. Nonpayment of permit fees. The department shall not accept a permit application from an electrical contractor, registered employer, or owner that has not paid in full the fees for previously issued permits.

RELETTERING. Minnesota Rules, part 3801.3620, subpart 3, item E is relettered as D.

REPEALER. Minnesota Rules, parts 3801.3610, 3801.3820, 3801.3830, 3801.3831, 3801.3840, 3801.3845, 3801.3850, 3801.3855, 3801.3860, 3801.3865, 3801.3870, 3801.3880, and 3801.3885 are repealed

**Boards of Electricity and High Pressure Piping
and the Construction Codes Advisory Council
Department of Labor and Industry**

Board/Council Meeting Open Forum Request

Please keep your presentation to 5 minutes or less.

- Please send this form to lyndy.logan@state.mn.us at **least 1 hour prior to the start of the meeting. Presentations/handouts MUST be sent at least 1 day prior.**
- Availability based on length of meeting and number of requestors.

Name of Board/Council		Date of Meeting		Will you be attending meeting in person or by phone?	
Name		Street/Mailing Address			Phone Number
City	State	Zip	Email Address		
Representing/Company Name					
Topic:					

- Send this form and related materials to Lyndy at: lyndy.logan@state.mn.us
- For meeting information, including Open Forum Request forms, please visit the department's **Boards and Council web-page** at: <https://www.dli.mn.gov/about-department/boards-and-councils>

Is a “Consent Order” a “finding of fact or “
“admission of guilt”?

July 8, 2025 Board of Electricity Meeting, Open Forum

Paul Reese

Background

Consent order ELE2304-0035/CMW was executed July 18, 2023:
(note the “four corners language”)

matter, or that Respondents have been advised of their right to be represented by legal counsel and that Respondents have waived this right; and that Respondents consent to entry of this Order by the Commissioner of Labor and Industry. It is further expressly understood that this Order constitutes the entire settlement agreement between the parties hereto, there being no other promises or agreements, either express or implied.

PLAN A SOLAR LLC

By: _____
PAUL A. REESE

By: _____
DONALD R. HUIZENGA

However, Case No. ELE2306-0015, naming the same respondent, relying on the same “evidence” for the same events was not closed, but rather was escalated, culminating in an administrative hearing and ultimately a letter rescinding the action, dated November 19, 2024, citing the fact that the Consent order for ELE2304-0035 resolved the matter:

contractor, residential remodeler, or residential roofer in violation of Minn. Stat. §§ 326B.082, subd. 7(a), 326B.805, subds. 1, 3, and 326B.81.

- Conclusion of Law # 13. The Department has not established that **Respondents** Respondent Exteriors LLC performed or offered to perform electrical work in violation of Minn. Stat. §§ 326B.082, subd. 7(a), 326B.33, subd. 14.
- Conclusions of Law #14: Per the Consent Order entered into on July 18, 2023, by the Department and Plan A Solar's Principals, including Paul A. Reese, Respondent Paul A. Reese has already been determined to be individually liable for acting or holding himself out as a residential building contractor, residential remodeler, or residential roofer in violation of Minn. Stat. §§ 326B.082, subd. 7(a), 326B.805, subds. 1, 3, and 326B.81 and performing or offering to perform electrical work in violation of Minn. Stat. §§ 326B.082, subd. 7(a), 326B.33, subd. 14.
- Conclusions of Law #14-18 are renumbered number as 15-19, respectively.
- Conclusions of Law ~~#15~~16: The Commissioner does not have a factual or legal basis to ~~order~~ affirm the Administrative Order with Penalty issued June 27, 2023, to Respondents to cease and desist from unlawful unlicensed activities or to impose

The troubling language here is “has already been determined to be individually liable”. This sentiment and similar language is ubiquitous to the entire document, despite the fact that “A Consent Order is not a finding of fact or admission of guilt”:



Electrical Enforcement Actions

2023 Year to Date

A Consent Order is not a finding of fact or admission of guilt.

For more information about specific orders, please call 651-284-5069 or email dli.contractor@state.mn.us.

Various parties within the Construction Codes and Licensing, Enforcement Division, operating on behalf of the Board of Electricity, have not been operating on good faith.

As a result of those bad faith actions, the Department stands in breach of contract. Furthermore, these actions have cast uncertainty on the Consent Order procedure.

Office of the Revisor of Statutes

Office of the Revisor of Statutes

2024 Minnesota Statutes

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609.43 MISCONDUCT OF PUBLIC OFFICER OR EMPLOYEE.

A public officer or employee who does any of the following, for which no other sentence is specifically provided by law, may be sentenced to imprisonment for not more than 364 days or to payment of a fine of not more than \$3,000, or both:

- (1) intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of the office or employment within the time or in the manner required by law; or
- (2) in the capacity of such officer or employee, does an act knowing it is in excess of lawful authority or knowing it is forbidden by law to be done in that capacity; or
- (3) under pretense or color of official authority intentionally and unlawfully injures another in the other's person, property, or rights; or
- (4) in the capacity of such officer or employee, makes a return, certificate, official report, or other like document having knowledge it is false in any material respect.

History: [1963 c 753 art 1 s 609.43](#); [1984 c 628 art 3 s 11](#); 1986 c 444; [2023 c 52 art 6 s 16](#)

Official Publication of the State of Minnesota
Revisor of Statutes



Paul Reese <paulreese2907@gmail.com>

BOE Open Forum Request

3 messages

ONeil, Sean (DLI) <sean.oneil@state.mn.us>
To: Paul Reese <paulreese2907@gmail.com>

Thu, Jul 3, 2025 at 8:09 AM

Paul,

The Department is in receipt of your open forum request for the next Board of Electricity meeting scheduled for next Tuesday, July 8. The meeting is open to the public, however, please know that the Board of Electricity has no purview over Enforcement Services unit processes or procedures, to include the Department's scope of authority as it relates to Consent Order agreements. Therefore there will be no dialogue regarding the topic you wish to address.

Sincerely,

Sean O'Neil

Director of Licensing & Enforcement | Construction Codes and Licensing Division

Phone: (651) 284-5854

Minnesota Department of Labor and Industry

443 Lafayette Road N., St. Paul, MN 55155

Phone: (651) 284-5005 | Web: www.dli.mn.gov

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