

**NORTH DAKOTA STATE PLUMBING BOARD
MEETING MINUTES
February 1, 2022**

The North Dakota State Plumbing Board met on February 1, 2022 at 1:06 p.m., at the North Dakota Heritage Center, 612 E Boulevard, Bismarck, ND. President Heather Jones presided.

Board members present were David Bruschwein – Department of Environmental Quality, Jason Dirk – Journeyman Plumber, Jim Fristad – Mechanical Engineer (via Zoom), Heather Jones – Consumer Member, and Luke Tillema – Master Plumber.

Staff members present were Brent Beechie – Chief Inspector (via Zoom), Kimberley Tomanek – Business Manager, and Scott Samuelson – Inspector.

Also present were Mindy Piatz and Tyler Richter – Brady Martz & Associates, Gage DeGroot and Duran Bischoff – City of Minot, Jordan Singer – City of Mandan, and Tom Schimelfenig – Schimelfenig Excavating.

PRESENTATION OF THE 2020 AND 2021 AUDIT

President Jones called on Mindy Piatz and Tyler Richter from Brady Martz & Associates to present the 2020 and 2021 audit.

Mindy Piatz presented the findings and reports of the 2020 and 2021 North Dakota State Plumbing Board audit.

MOTION: Mr. Bruschwein made a motion to approve the findings and reports of the 2020 and 2021 North Dakota State Plumbing Board audit as presented. Mr. Tillema seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

MINUTES

President Jones called for the consideration of the minutes of the September 30, 2021, October 18, 2021 and December 6, 2021 board meetings.

MOTION: Mr. Tillema made a motion to approve the minutes of the September 30, 2021, October 18, 2021 and December 6, 2021 meetings as received. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

YEAR-TO-DATE FINANCIAL STATEMENTS AND BUDGET

President Jones called on Ms. Tomanek to review the financial statements and budget.

Ms. Tomanek reviewed the financial statements and budget.

MOTION: Mr. Fristad made a motion to approve the financial statements and budget as presented. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

OLD BUSINESS

Sewer and Water Contractor Application

President Jones called on Ms. Tomanek to discuss the Sewer and Water Contractor application.

Ms. Tomanek explained that Robert Schueller submitted a Sewer and Water Contractor application on July 1, 2021. The application indicated that he had been convicted of Threats Transmitted by Interstate Communication in 2015. There was a brief outline submitted with the application. She went on to say that further factual information regarding the felony was requested, along with a letter of support from his parole officer and employer were requested, but only the letter from his employer was received. Ms. Tomanek said that the Board continued the item to the February 2022 meeting to allow Mr. Schueller time to submit a letter of explanation and a letter of support from his parole officer. She stated that a letter was mailed and emailed to Mr. Schueller on October 7, 2021 and on January 30, 2022 requesting the information. Ms. Tomanek ended by saying that Mr. Schueller's employer contacted the board office to advise that a letter has been requested from Mr. Schueller's parole officer and it was requested that the agenda item be revisited at the June 2022 meeting.

MOTION: Mr. Tillema made a motion to table the Sewer and Water Contractor application to the June 2022 meeting to allow Mr. Schueller time to submit a letter of explanation and letter from his parole/probation officer. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

NEW BUSINESS

Final Approval of Administrative Rules

President Jones called on Ms. Tomanek to talk about the Final Approval of Administrative Rules.

Ms. Tomanek said she is seeking final approval for the proposed Administrative Rules that change the title from Chief Inspector to Executive Director and setting the fees for applications, exams, renewals and late renewals pursuant to SB 2051, contingent upon the Attorney General's approval, and completion of the public comment period.

MOTION: Mr. Bruschwein made a motion to approve the administrative rules, contingent upon the Attorney General's approval and completion of the public comment period. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

Journeyman Plumber License Renewal

President Jones called on Ms. Tomanek to go over the Journeyman Plumber License Renewal.

Ms. Tomanek explained that Jacob Azure registered as an Apprentice Plumber in September of 2003. He passed the exam and became a Journeyman Plumber in April of 2012. She continued by saying that Mr. Azure submitted his 2022 license renewal online where he selected "yes" to the question if he had ever been arrested, charged or convicted of a felony or had a felony dismissed, discharged, reduced, pardoned or expunged in this state or any other jurisdiction. He was charged with 3rd Degree Possession of a Controlled Substance within a Prohibited Zone in March 2020. Ms. Tomanek indicated that Covid-19 delayed the court system and he was convicted on September 14, 2021. Mr. Azure spent 2 days in jail and then received an ankle monitor in October of 2021, which will be worn for 118 days and will be removed on February 5, 2022. She explained that his probation is set to expire on September 14, 2026, but he should be released from probation sometime in 2023. Ms. Tomanek concluded by saying that Mr. Azure's explanation, which includes a copy of his probation agreement, and a letter of support from his probation officer and employer were received.

There was some discussion among the board members about the license renewal.

MOTION: Mr. Dirk made a motion to approve the Journeyman Plumber license renewal, with the condition that any future criminal offenses be reported by the employer and probation officer to the North Dakota State Plumbing Board. Mr. Fristad seconded the motion and it was unanimously approved

with board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

Approval of New Applications and License Renewals

President Jones called on Ms. Tomanek to review the list of new applications and license renewals.

Ms. Tomanek indicated that the first list contains new licenses that have been issued between September 1, 2021 and December 31, 2021 and the second list contains licenses that have been renewed between September 1, 2021 and December 31, 2021.

MOTION: Mr. Tillema made a motion to approve the new applications and license renewals between September 1, 2021 and December 31, 2021. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

Online Continuing Education Provider and Course Application

President Jones called on Ms. Tomanek to present the Online Continuing Education Provider and Course Application.

Ms. Tomanek provided a draft copy of the Online Continuing Education Provider and Course Application for the Board's review and approval. She also inquired about whether existing Continuing Education providers would be required to submit an application and whether the online courses must be based on the 2018 North Dakota Plumbing Code.

There was a brief discussion among the board members and staff about the Online Continuing Education Provider and Course Application and its requirements.

MOTION: Mr. Dirk made a motion to approve the draft copy of the Online Continuing Education Provider and Course Application as presented. Mr. Tillema seconded the motion.

Mr. Tillema then asked that the motion be amended to include the requirement that the course content must be based on the 2018 North Dakota Plumbing Code.

MOTION: Mr. Dirk made an amended motion to approve the draft copy of the Online Continuing Education Provider and Course Application and to require that all online Continuing Education providers submit an application and the course content must be based on the 2018 North Dakota Plumbing Code. Mr. Tillema seconded the motion and it was unanimously approved with

board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

Certificates of Deposit

President Jones called on Ms. Tomanek to review the Certificates of Deposit.

Ms. Tomanek stated that there is one CD at Dakota Community Bank in the amount of \$100,000 which expires on October 28, 2022 and the other one is at First Western Bank & Trust in the amount of \$100,000 which matures on February 23, 2022. She requested direction on how the Board would like to proceed with the funds from the CD maturing on February 23, 2022.

MOTION: Mr. Bruschwein made a motion to reinvest \$100,000 at the banking institution that offers the best return on the investment. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

Election of Officers

President Jones called on Ms. Tomanek to discuss an Election of Officers.

Ms. Tomanek indicated that she recently learned that Boards should hold an Election of Officers so the results are recorded in meeting minutes and also decide the frequency of holding elections.

There was some discussion among the board members and staff about the frequency of holding an election of officers.

MOTION: Mr. Bruschwein made a motion to hold an election of officers as the roles become available. Mr. Fristad seconded the motion and it was approved with board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

MOTION: Ms. Jones made a motion to elect David Bruschwein as the Vice President of the North Dakota State Plumbing Board. Mr. Tillema seconded the motion and it was approved with board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

MOTION: Mr. Tillema made a motion to elect Heather Jones as the President of the North Dakota State Plumbing Board. Mr. Dirk seconded the motion and it was approved with board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

MOTION: Mr. Tillema made a motion to elect Brent Beechie as the Secretary-Treasurer of the North Dakota State Plumbing Board. Mr. Fristad seconded the motion and it was approved with board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

REPORTS

Board Training

President Jones called on Ms. Tomanek to report on the most recent Board Training.

Ms. Tomanek said that she, along with Mr. Bruschwein, Mr. Fristad, and Mr. Tillema virtually attended the North Dakota Licensing Board Orientation and Training Seminar led by the North Dakota Office of Attorney General. The training was very informative and covered topics such as Procurement; Risk Management; Duties and Obligations of Boards and Commissions; Laws pertaining to Boards and Commissions; Open Records; Meeting Minutes; Meeting Procedures; and the Administrative Rules Process.

Assistant Attorney General

President Jones called on Ms. Tomanek to introduce the Board's new Assistant Attorney General.

Ms. Tomanek stated that there were portfolio changes within the Attorney General's Office and Carl Karpinski is the new attorney for the Board.

Board Member Terms

President Jones called on Ms. Tomanek to go over board member terms.

Ms. Tomanek indicated that Mr. Dirk was reappointed for another term, which expires in June 2025. Mr. Tillema's term expires in 2024, Ms. Jones's term expires in 2023, and Mr. Fristad's term is next to expire in June 2022.

Mr. Fristad announced his retirement with Lunseth Plumbing & Heating as well as the Mechanical Engineer position on the Board. He said that he will not be seeking reappointment and his last meeting will be in June 2022.

Content Management System Update

President Jones called on Ms. Tomanek to review the Content Management and Website rewrite.

Ms. Tomanek said that she has been working closely with Prominent, North Dakota Information Technology Department, Bank of North Dakota, JP Morgan Chase and Paymentus on the new Content Management System and Website. The new CMS and Website, which will have a .gov instead of .com, should go live on March 1, 2022. She went on to say that the Paymentus software for accepting credit and debit cards and electronic checks should be ready in April 2022. In the meantime, the current vendor, Stripe, will be used. The project is progressing as anticipated and is going well.

Onsite Wastewater Disposal Systems

President Jones called on Mr. Schimelfenig to talk about Onsite Wastewater Disposal Systems.

Mr. Schimelfenig indicated that he is a licensed Sewer and Water Contractor, the Chairman of the Onsite Wastewater Technical Committee that was formed through legislation in 2021 with HB 1183, and the President of the North Dakota Onsite Waste Water Recycling System Association (NDOWRA). He explained that the Technical Committee was tasked with creating a uniform state code and to increase communication between septic installers and plumbers. Mr. Schimelfenig added that the proposed code cannot be adopted until the next session, which means some authority will remain under the North Dakota State Plumbing Board in the meantime. He continued by saying that as a licensed Sewer and Water Contractor, he would like to see a sewer and water licensee represented on the North Dakota State Plumbing Board.

President Jones thanked Mr. Schimelfenig for attending the meeting to share information. It was the general consensus of the Board that in the future, board staff will research the possibility of adding an additional member to the North Dakota State Plumbing Board.

Inspectors and Attendees from Local Jurisdictions

President Jones called on Gage DeGroot and Duran Bischoff – City of Minot, Jordan Singer – City of Mandan, and Scott Samuelson and Brent Beechie – North Dakota State Plumbing Board to report on work or any plumbing issues within their jurisdictions. A brief discussion was held and President Jones thanked the inspectors and attendees.

ANNOUNCEMENTS

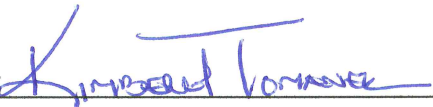
Summer Board Meeting

President Jones announced the next board meeting will be held on June 28, 2022 at 1:00 p.m.

ADJOURNMENT

MOTION: Mr. Bruschwein made a motion to adjourn the meeting. Mr. Tillema seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Fristad, Jones, and Tillema voting in favor.

The meeting adjourned at 2:53 p.m., to meet again on June 28, 2022 for a regular meeting.

Attest 

Mechanical Engineer



Department of Environmental
Quality



Master Plumber

Journeyman Plumber



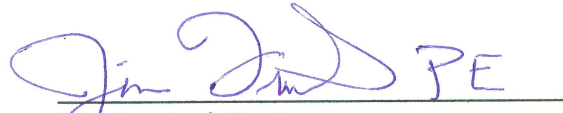
Consumer Member

ADJOURNMENT

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Attest _____



Mechanical Engineer

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