

**NORTH DAKOTA STATE PLUMBING BOARD
MEETING MINUTES
June 27, 2023**

The North Dakota State Plumbing Board met on June 27, 2023 at 1:00 p.m., at the Bank of North Dakota, 1200 Memorial Highway, Room 201 – Leadership Hall, Bismarck, ND. President Heather Jones presided.

Board members present were David Bruschwein – Department of Environmental Quality, Heather Jones – Consumer Member, and Luke Tillema – Master Plumber.

Caleb Bulow – Professional Engineer and Jason Dirk – Journeyman Plumber were absent.

Staff members present were Brent Beechie – Executive Director/Chief Inspector and Kimberley Tomanek – Business Manager.

Also present were Mindy Piatz – Brady Martz, Joshua Amundson – Office of Attorney General, Sannon Norrick – Prominent, Leonard Schwindt – City of Dickinson, Jordan Singer – City of Mandan, Scott and Ruth Thompson – My Plumbing Training, Tom Schimelfenig – Schimelfenig Excavating, and Jeff Magrum – Magrum Excavating & Plumbing Co.

MINUTES

President Jones called for the consideration of the minutes of the February 14, 2023 board meeting.

MOTION: Mr. Tillema made a motion to approve the minutes of the February 14, 2023 meeting as received. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Tillema, and Jones 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. Bruschwein made a motion to approve the financial statements and budget as presented. Mr. Tillema seconded the motion and it was unanimously approved with board members Bruschwein, Tillema, and Jones voting in favor.

UNFINISHED BUSINESS

Reciprocity Consideration with the Texas State Board of Plumbing Examiners

President Jones called on Mr. Beechie to talk about reciprocity consideration with the Texas Board of Plumbing Examiners.

Mr. Beechie stated that the Texas State Board of Plumbing Examiners is still interested in reciprocal agreement with the North Dakota State Plumbing Board for journeyman plumber license holders. The concerns mentioned at the February board meeting were in regards to the differences in the weather; water lines being installed in outside walls, attics, or garages; minimum depth requirements of outdoor water and sewer piping; and venting sizes. He went on to say there was discussion about requiring plumbers reciprocating from Texas to complete North Dakota continuing education before a license is issued. Mr. Beechie said that unless the Board wants to attempt to amend NDCC 43-18-17.1, licensees are only required to complete continuing education when renewing a master plumber or journeyman plumber license. He continued by saying it would be challenging to provide oversight for the plumbers reciprocating from Texas because NDCC 43-18-10 states "...In cities of less than one thousand population and in all rural areas, a licensed journeyman plumber may engage in the business of plumbing." He suggested a handout that addresses freeze protection. Mr. Beechie requested direction on how the Board would like to proceed with the reciprocity consideration with the Texas Board of Plumbing Examiners.

There was some discussion among the board members and staff about the reciprocity consideration. Board members agreed that a handout that addresses freeze protection, which must be signed by the licensee to acknowledge receipt, is necessary. The general consensus of the Board is to proceed with the conversations with Texas.

MOTION: Mr. Bruschwein made a motion to approve reciprocity between Texas and North Dakota pending signing off as acknowledgement of receiving a freeze protection handout, as long as Texas has no requirements of North Dakota licensees. Mr. Tillema seconded the motion and it was unanimously approved with board members Bruschwein, Tillema, and Jones voting in favor.

Policy for Limiting Communication from Licensees

President Jones called on Ms. Tomanek to discuss the Proposed Policy of Limiting Communication from Licensees.

Ms. Tomanek advised that the proposed policy is a result of a licensee who has repeatedly treated staff in an inappropriate and threatening manner. She shared that the intent of the policy would create steps that the Board and staff could take to protect staff from

being subjected to repeated rude, profane and vulgar language, and threatening language or behaviors. Ms. Tomanek said that Mr. Amundson from the Office of Attorney General is present at the meeting to provide a different approach to handling these types of situations and will answer any questions.

Mr. Amundson explained that this type of policy is not disciplinarily enforceable against a license, therefore if a licensee did violate the policy, there is no enforcement. He suggested a policy that outlines the steps staff is allowed to take in an event a licensee becomes combative. For example, at the Office of Attorney General, if the front desk staff is being sworn or yelled at, they are allowed to hang up the phone. Mr. Amundson stated that if threatening behavior happens, staff can hang up the phone or ask the licensee to leave the office, and call 911 or the Bismarck Police Department. He added that only written communication with a licensee can be included in the policy, however, if a licensee does not follow the request, it cannot be held against a license.

There was some discussion among the board members, Mr. Amundson, and staff about the proposed policy. It was the general consensus that the policy be redrafted and oriented towards staff to outline the appropriate steps when dealing with a combative licensee.

MOTION: Mr. Tillema made a motion to table the policy to a future meeting to allow staff time to revise the policy as discussed. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Tillema, and Jones voting in favor.

NEW BUSINESS

State Audit Requirements

President Jones called on Ms. Tomanek and Ms. Piatz to go over the State audit requirements.

Ms. Tomanek said that the original thought was the financial threshold that triggers an audit for local governments was increased from \$750,000 to \$2,000,000 included boards and commissions, but that is likely not the case.

Mindy Piatz with Brady Martz & Associates indicated that legislation was passed for entities that have yearly gross receipts of less than \$2,000,000 are no longer required to have an audit completed. She continued by saying the theory behind the change is that entities should not be paying more than 1% of their yearly gross receipts for an audit. Ms. Piatz shared that she and Mr. Amundson reviewed the new legislation and the original bill and are of the opinion that boards and commissions were not included in the new legislation. She added that staff should confirm with the State Auditor's Office whether

boards and commissions are included. Ms. Piatz then reviewed the standard procedures included in reviews and audits.

(Secretary's note: No motion was made because no action was taken. The State Auditor's Office confirmed that boards and commissions are not addressed in the recent legislation and the threshold to require an audit remains at \$200,000).

Maintenance Service Agreement with Prominent

President Jones called on Ms. Tomanek to talk about the Maintenance Service Agreement with Prominent.

Ms. Tomanek explained that the enclosed Maintenance Service Agreement was prepared with the assistance of Brandy Bentley with Information Technology Procurement; Tricia Opp with Procurement; and Josh Amundson with the North Dakota Attorney General's Office. She stated that Sannon Norrick with Prominent is present to offer an alternative to the proposed Service Maintenance Agreement.

Mr. Norrick said that the proposed Maintenance Service Agreement is not cost effective for Prominent or the North Dakota State Plumbing Board. Some of the language regarding Software as a Service (SaaS) applies to out of the box software and the Boards software is custom. He indicated that he contacted other state agencies to inquire how they work with vendors in this situation. Mr. Norrick discovered that the Board can issue a work order through the State 095 Contract with North Dakota Information Technology and presented two options.

There was some discussion among the board members and Mr. Norrick about the proposed options.

MOTION: Mr. Tillema made a motion to proceed with Option 2 – Time and Materials Contract. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Tillema, and Jones voting in favor.

Apprentice Plumber License Application

President Jones called on Ms. Tomanek to review the Apprentice Plumber Application.

Ms. Tomanek said Jonah Parkins' 1st year Apprentice Plumber application was received on May 17, 2023, which indicated that he was charged with Terrorizing in January 2017, Aggravated Assault Adult Victim Domestic Violence in December of 2018, and Interference with Telephone During Emergency Call Intentional Domestic Violence Bodily Injury 2nd or Subsequent Offense in March of 2021. A letter was mailed and emailed to Mr. Parkins and his employer requesting a letter of explanation and letters of support

from his employer and his parole officer. She added that Mr. Parkins provided a letter which advised that he was incarcerated until October or 2022, was on parole, but was switched over to probation on June 24, 2023. Ms. Tomanek confirmed that a letter of support was received from his employer.

There was some discussion among the board members about the application.

MOTION: Mr. Bruschwein made a motion to issue a 1st Year Apprentice Plumber license, with the condition any future criminal offenses be reported by the applicant, employer, and probation officer to the North Dakota State Plumbing Board; and Mr. Parkins must not be charged or convicted of any further criminal offenses for at least five years. Mr. Tillema seconded the motion and it was unanimously approved with board members Bruschwein, Tillema, and Jones voting in favor.

Apprentice Plumber License Application

President Jones called on Ms. Tomanek to review the Apprentice Plumber Application.

Ms. Tomanek stated that Joshua Schultz's 1st Year Apprentice Plumber application was received on May 9, 2023, which indicated that he was charged with Aggravated Assault – Domestic Violence and Terrorizing charges in August 2022 and Terrorizing and Child Abuse charges in September 2022. She continued by saying a letter was mailed and emailed to Mr. Schultz and his employer requesting a letter of explanation and letters of support from his employer and his probation officer. Ms. Tomanek ended by saying that Mr. Schultz provided a letter, which indicated that he was incarcerated for six months and will be on probation until February of 2025 and letters of support were received from his employer and North Dakota Parole & Probation.

There was some discussion among the board members about the application.

MOTION: Mr. Tillema made a motion to issue a 1st Year Apprentice Plumber license, with the condition any future criminal offenses be reported by the applicant, employer, and probation officer to the North Dakota State Plumbing Board; and Mr. Schultz must not be charged or convicted of any further criminal offenses for at least five years. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Tillema, and Jones voting in favor.

Apprentice Plumber License Application

President Jones called on Ms. Tomanek to review the Apprentice Plumber Application.

Ms. Tomanek disclosed that Dillon Asleson's 1st Year Apprentice Plumber application was received on June 8, 2023, which indicated that he charged with 1) Breaking Into A Vehicle, Theft Of Property, Possession Of Drug Paraphernalia, and Criminal Mischief in September 2010; 2) Possession of Controlled Substance, Possession Of Drug Paraphernalia, and Possession of a Controlled Substance (Marijuana) by a Driver in July 2012; 3) Theft Of Property in September 2013; 4) Reckless Endangerment, Injury or Death Resulting from 39-08-01 or 39-08-03, Refusal to Submit to a Chemical Test (2nd Offense), Leaving Scene of Accident Involving Vehicle Damage, Driving While License/Privilege is Suspended or Revoked (4th Offense), Fleeing or Attempting to Elude a Police Officer, and Theft Of Property on in November 2015; and 5) Aggravated assault-Adult Victim in February 2020. She explained that a letter was emailed to Mr. Asleson and mailed and emailed to his employer requesting a letter of explanation and letters of support from his employer and his parole officer. Ms. Tomanek said that Mr. Asleson provided a letter that indicated he was incarcerated and will complete probation in December 2023. She concluded by saying that a letter of support from the North Dakota Probation & Parole was also received, but a letter from his employer was not provided.

There was some discussion among the board members about the application.

MOTION: Mr. Bruschwein made a motion to approve the 1st Year Apprentice Plumber license, with the condition any future criminal offenses be reported by the applicant, employer, and probation officer to the North Dakota State Plumbing Board; and Mr. Asleson must not be charged or convicted of any further criminal offenses for at least five years contingent upon the receipt of a positive letter of support from the employer. Mr. Tillema seconded the motion and it was unanimously approved with board members Bruschwein, Tillema, and Jones voting in favor.

Apprentice Plumber License Application

President Jones called on Ms. Tomanek to review the Apprentice Plumber Application.

Ms. Tomanek explained Emma Weshnevski's 1st year Apprentice Plumber application was received on March 14, 2023, which indicated that she was charged with Burglary and Theft of Property charges from 2016, as well as Criminal Mischief, two counts of Accomplices, Burglary, and Theft of Property from 2015. She stated that a letter was mailed and emailed to Ms. Weshnevski and her employer requesting a letter of explanation and letters of support from her employer and her probation officer. An email was received from Ms. Weshnevski's, which stated that she was previously incarcerated and completed supervised probation. A letter from her employer was not provided.

There was some discussion among the board members about the application.

MOTION: Mr. Tillema made a motion to issue a 1st Year Apprentice Plumber license, with the condition any future criminal offenses be reported by the applicant, employer, and probation officer to the North Dakota State Plumbing Board; and Ms. Weshnevski must not be charged or convicted of any further criminal offenses for at least five years. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Tillema, and Jones voting in favor.

Approval of New Applications and License Renewals

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

Ms. Tomanek said that the first list contains new licenses that have been issued between February 1, 2023 and May 31, 2023 and the second list contains licenses that have been renewed between February 1, 2023 and May 31, 2023.

MOTION: Mr. Tillema made a motion to approve the new applications and license renewals between February 1, 2023 and May 31, 2023. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Tillema, and Jones voting in favor.

All Star Training, Inc. Online Continuing Education Course

President Jones called on Mr. Beechie to discuss the All Star Training, Inc. Online Continuing Education Course.

Mr. Beechie presented the proposed online Continuing Education Course from All Star Training, Inc. He verified that the course covers the 2018 North Dakota Plumbing Code along with the amendments.

MOTION: Mr. Tillema made a motion to approve the online courses from All Star Training, Inc. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Tillema, and Jones voting in favor.

Continuing Education Fee

President Jones called on Mr. Beechie to talk about the Continuing Education fee.

Mr. Beechie discussed the increased costs to travel around the state to host Continuing Education Sessions and proposed \$10 increase for continuing education fees, making the fee amount of \$40 per licensee.

MOTION: Mr. Tillema made a motion to increase Continuing Education fees to \$40 per licensee. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Tillema, and Jones voting in favor.

APPROVAL OF THE 2023-2024 BUDGET

President Jones called on Ms. Tomanek to present the Fiscal Year Budget from July 1, 2023 to June 30, 2024.

Ms. Tomanek presented the Fiscal Year Budget from July 1, 2023 to June 30, 2024 for approval with the proposed salary increase of 6% for all board staff.

There was discussion in regards to the overall budget and salary increases for board staff.

MOTION: Mr. Bruschwein made a motion to approve 2023-2024 Fiscal Year Budget as presented with a 6% salary increase for all board staff. Mr. Tillema seconded the motion and it was unanimously approved with board members Bruschwein, Tillema, and Jones voting in favor.

REPORTS

Certificates of Deposit

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

Ms. Tomanek indicated that there are two CDs at Edward Jones Investments, both in the amount of \$100,000. One matures on October 28, 2023 and the other one matures on March 3, 2024.

Board Terms

President Jones called on Ms. Tomanek to review Board Terms.

Ms. Tomanek reported that Ms. Jones was reappointed to the Board for another 4-year term, Mr. Tillema's appointment expires in June 2024, Mr. Dirk's in June of 2025 and Mr. Bulow's in June 2026.

North Dakota Onsite Wastewater Recycling Association Committee Update

President Jones called on Tom Schimelfenig to provide an update about the North Dakota Onsite Wastewater Recycling Association Committee.

Mr. Schimelfenig provided an update on the North Dakota Onsite Wastewater Recycling Association Committee happenings. Jeff Magrum also shared his thoughts on the matter.

Legislative Updates

President Jones called on Mr. Beechie to review the Legislative Updates.

Mr. Beechie talked about a few bills that were being followed during the most recent session.

Inspectors and Attendees from Local Jurisdictions

President Jones called on Brent Beechie – North Dakota State Plumbing Board, Leonard Schwindt – City of Dickinson, Jordan Singer – City of Mandan, and Scott and Ruth Thompson – My Plumbing Training 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

Autumn Board Meeting

President Jones announced the next board meeting will be held on September 21, 2023 at 10:00 a.m., at the Ramada Wyndham Bismarck, in conjunction with the North Dakota Association of Plumbing, Heating and Mechanical Contractors, Inc. convention.

ADJOURNMENT

The meeting adjourned at 3:55 p.m., to meet again in September 2023 for a regular meeting.

Attest Kimberly Tomasek

Caleb R.
Professional Engineer

A. J. B.
Department of Environmental
Quality

[Signature]
Master Plumber

Journeyman Plumber
[Signature]
Consumer Member