

**NORTH DAKOTA STATE PLUMBING BOARD
MEETING MINUTES**

October 3, 2017

The North Dakota State Plumbing Board met on October 3, 2017, at 1:00 p.m., at the Bank of North Dakota, 1200 Memorial Highway, Room 201 – Leadership Hall, Bismarck, ND, President Lon Drevecky presided.

Board members present were Jason Dirk – Journeyman Plumber, Lon Drevecky – President/Mechanical Engineer, Dean Eman – Master Plumber, Heather Jones – Consumer Member and Wayne Kern – Vice President/State Health Department.

Staff members present were Brent Beechie – Secretary/Chief Inspector, Kimberley Tomanek – Business Manager, Dean Staska – Plumbing Inspector, Scott Samuelson – Plumbing Inspector, Aaron Kasper – Plumbing Inspector and Laurie Walcker – Administrative Assistant.

Others present were Troy Bormann – City of Fargo, Matthew Marciniak – International Association of Plumbing and Mechanical Officials (IAPMO), Lon Lessard and Ivan Maas – North Dakota State College of Science, Brady Blaskowski – City of Bismarck, Ruth Thompson – My Plumbing Training and Chad Finken – City of Minot.

MINUTES

President Drevecky called for the consideration of the minutes of the May 23, 2017 meeting.

MOTION: Ms. Jones made a motion to approve the minutes of the May 23, 2017 meeting as received. Mr. Dirk seconded the motion and it was unanimously approved with board members Dirk, Drevecky, Eman, Jones and Kern voting in favor.

YEAR-TO-DATE FINANCIAL STATEMENTS AND BUDGET

President Drevecky called on Ms. Tomanek to review the financial statements and the Fiscal Year-to-Date Budget.

Ms. Tomanek presented the financial statements and the Fiscal Year-to-Date Budget.

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

OLD BUSINESS

Master Plumber Renewal

President Drevecky called on Ms. Tomanek to talk about the Master Plumber renewal.

Ms. Tomanek stated that Scott Morrison's application was received in November of 2013. He provided proof of licensure from California and was licensed as a 5th Year Apprentice. She went

on to say that Mr. Morrison took the Journeyman exam in 2013 and the Master exam in 2015. In September of 2016, he was charged with two counts of Criminal Trespass which are felonies. Mr. Morrison was found guilty and served time in prison. Ms. Tomanek explained that at the last meeting, the Board tabled this agenda item to allow time to obtain an opinion from Edward Erickson at the Attorney General's Office. An email was sent to Mr. Erickson for his opinion on the matter and the response received was that Mr. Erickson believes that the Board would be on solid ground to not renew Mr. Morrison's license because he is not sufficiently rehabilitated under NDCC 43-18-18(1), however Mr. Morrison does have the right to appeal the decision. Ms. Tomanek indicated that after receiving Mr. Erickson's email, Mr. Beechie attempted to contact Mr. Morrison by telephone, but his number is no longer in service. She added that a letter was mailed and emailed to his last known addresses on file. The letter stated that the office had not received the requested explanation from Mr. Morrison regarding the particulars of his arrest and felony conviction and that the Board had decided to wait until the October meeting to make their decision. Ms. Tomanek ended by saying that no response was ever received from Mr. Morrison.

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

MOTION: Mr. Eman made a motion to deny the renewal of Mr. Morrison's Master Plumber license for a period of five years. Ms. Jones seconded the motion.

There was further discussion among the board members and the motion was amended.

MOTION: Mr. Eman made an amended motion to deny the renewal of Mr. Morrison's Master Plumber license for a period of five years, at which time the renewal can be reconsidered by the Board. Ms. Jones seconded the amended motion and it was unanimously approved with board members Dirk, Drevecky, Eman, Jones and Kern voting in favor.

NEW BUSINESS

2018 Meeting Schedule

President Drevecky called on Ms. Tomanek to discuss 2018 meeting schedule.

Ms. Tomanek said the February meeting will be held in conjunction with the North Dakota Association of Plumbing, Heating and Mechanical Contractors Convention on Thursday, February 15th. She continued by saying she would like to schedule tentative meeting dates for June and October.

The general consensus of the Board is to hold the other meetings on June 12th and October 15th or 16th.

Online Plumbing Program

President Drevecky called on Mr. Beechie to talk about the new online plumbing program.

Mr. Beechie indicated that there is now an online plumbing program offered through the Minnesota State Community and Technical College in Moorhead, MN. He continued by saying the program is a two semester program with 36 required course credits and the teacher is Scott Thompson. Mr. Beechie said that along with the online courses, the students are required to complete four hours a week of classroom time.

Ruth Thompson, co-owner of My Plumbing Training, explained that the program is 32 weeks long and follows the regular school semesters. Students are required to complete and pass all of the online courses and exams that are focused on the code, as well as meet once a week in person to be taught things that cannot be taught online. Those items include things like PVC pipe welding or brazing, tying off a tag line, giving hand signals to a crane operator and other practical skills.

Online Continuing Education Training – At Your Pace Online

President Drevecky called on Mr. Beechie to review the online continuing education training with At Your Pace Online.

Mr. Beechie stated that At Your Pace Online submitted a proposal to provide online continuing education for North Dakota plumbers and presented the 2015 Uniform Plumbing Code Review course outline provided by At Your Pace.

There was a brief discussion among the board members about the continuing education proposal.

MOTION: Ms. Jones made a motion to decline At Your Pace's offer to provide online continuing education. Mr. Dirk seconded the motion and it was unanimously approved with board members Dirk, Drevecky, Eman, Jones and Kern voting in favor.

Adoption of the 2018 Uniform Plumbing Code

President Drevecky called on Mr. Beechie to discuss the adoption of the 2018 Uniform Plumbing Code.

Mr. Beechie said that he is seeking approval from the Board and the State Health Department to begin the process of adopting the 2018 Uniform Plumbing Code.

MOTION: Mr. Dirk made a motion to begin the process to adopt the 2018 Uniform Plumbing Code. Mr. Kern seconded the motion and it was unanimously approved with board members Dirk, Drevecky, Eman, Jones and Kern voting in favor.

Apprentice Plumber Application

President Drevecky called on Ms. Tomanek to talk about the Apprentice Plumber application.

Ms. Tomanek stated that Duane Blackshear's 1st Year Apprentice application was received on August 11, 2017 and the felony question was marked no. She explained that as a part of the application review process, all new applicants are searched through the ND Courts website for any felonies. Ms. Tomanek continued by saying that when Mr. Blackshear's name was searched, it came back with two charges in 2011, one for aggravated assault and the other for terrorizing. There is also a charge of Child Abuse or Neglect in 2015. Ms. Tomanek then contacted Mr. Blackshear to request a letter of explanation in regards to the felonies referenced on the ND Courts website. Mr. Blackshear responded with an email that stated "I was sentenced to two years for assault and terrorism in 2011 as a result of a bar fight, I was discharged after serving that sentence. In 2016, I was sentenced to one year probation for the delinquency of a minor. I was intoxicated and grabbed my son as I was fighting with my wife. He had no injuries. I completed that sentence with no other trouble. After this incident, I went to California for treatment for 90 days and completed it successfully and I have been sober ever since. I have been in the area for five years, I own a home here and I am active in the community. All of my incidents were a direct result of alcohol when I was off the clock. I am not a sociopath, not a thief and I have worked in many residential homes unattended without incident. I am married and treat others how I would like to be treated, so please let me further my career. Thank you." Subsequently, a letter was mailed to Mr. Blackshear on August 22nd stating that the Application for Apprentice Plumber will be brought to the Board at the October meeting and to provide any further documentation if he chooses. Mr. Beechie also contacted the Master Plumber where Mr. Blackshear works to make him aware of the situation. Ms. Tomanek concluded by saying that Mr. Blackshear currently works for Central Mechanical in their HVAC department.

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

MOTION: Mr. Dirk made a motion to deny the application due to the fact that false information was given. Ms. Jones seconded the motion.

There was some more discussion among the board members about the license application and the motion was amended.

MOTION: Mr. Dirk made an amended motion to deny the application due to the fact that false information was given, but the Board would reconsider the application if Mr. Blackshear reapplies with further documentation after a period of one year. Ms. Jones seconded the amended motion and it was unanimously approved with board members Dirk, Drevecky, Eman, Jones and Kern voting in favor.

Sewer and Water Installer Renewal

President Drevecky called on Ms. Tomanek to discuss the Sewer and Water Installer license renewal.

Ms. Tomanek said that Ben Suelzle was licensed as a Sewer and Water Apprentice in June of 2012 and must have provided proof of experience because he took his Sewer and Water Installer exam in August of 2012. She indicated that when an apprentice licensee takes an exam, their application is filed with the exam and is kept three years in accordance with the retention schedule, so the office no longer has his application. Ms. Tomanek continued by

saying that Mr. Suelzle has been renewing his Sewer and Water Installer license every year, but when the office received the renewal form in July for 2017-2018 license, he did not answer the felony question. She went on to say that Ms. Walcker talked with Mr. Suelzle while he was in custody at the McKenzie County Jail and he told her about his felony charges in 2005 for Contact by Bodily Fluids or Excrement and one in 2013 for Aggravated Assault. Ms. Tomanek stated that after searching the ND Courts website, there were several more felony charges found that include Reckless Endangerment in 2004; Reckless Endangerment, Leaving the Scene of Accident Involving Death/Personal Injury, Aggravated Reckless Driving and Leaving the Scene of an Accident involving Vehicle Damage in 2013; Criminal Trespass and Criminal Mischief in 2014; Operating a Vehicle Under the Influence of Liquor or Drugs, Refusal to Submit to a Chemical Test, Terrorizing and Criminal Trespass in 2017. Subsequently, a letter was sent to Mr. Suelzle on July 21st that said because of his felony convictions, the North Dakota State Plumbing Board must review and determine whether or not the 2017-2018 Sewer and Water Installer license would be renewed. The letter also requested that he provide a letter of explanation, but nothing was ever received from Mr. Suelzle.

Ms. Jones asked who the Sewer and Water Contractor is for Ben's Digging Service. Ms. Tomanek answered by saying that the only individual listed under Ben's Digging Service is Mr. Suelzle.

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

MOTION: Ms. Jones made a motion to deny the Sewer and Water Installer renewal. Mr. Kern seconded the motion and it was unanimously approved with board members Dirk, Drevecky, Eman, Jones and Kern voting in favor.

REPORTS

2015-2016 & 2016-2017 Audit

President Drevecky called on Ms. Tomanek to provide an update about the 2015-2016 & 2016-2017 audit.

Ms. Tomanek stated that the Auditors from Brady Martz were in the office the week of September 18th and the final documents should be provided sometime in December. The Auditors are scheduled to present the findings at the February 2018 meeting.

Certificates of Deposit

President Drevecky called on Ms. Tomanek to review the current certificates of deposit.

Ms. Tomanek said there are currently three \$100,000.00 CDs, two at Plains Commerce Bank that mature in June 2018 and one at BlackRidge Bank that matures on in August 2018.

Legislative Updates

President Drevecky called on Mr. Beechie to provide an update about the legislative bills.

Mr. Beechie reported that the Interim Legislative Council is currently researching the membership and state supervision of the state's occupational and professional licensing boards in order to retain antitrust law immunity because of what happened with the Dental Board Examiners in North Carolina. He went on to say that more information will become available at a later date. Mr. Beechie also mentioned that there is a representative interested in having the North Dakota State Plumbing Board and the North Dakota State Electrical Board change the laws so that handymen can do more of the work without holding licenses, so that may be discussed in the future.

Federation Association of Regulatory Boards (FARB)

President Drevecky called on Ms. Tomanek to talk about the Federation Association of Regulatory Boards (FARB).

Ms. Tomanek explained that in June she received an invitation to attend the 2017 North Dakota Comprehensive Regulatory Training put on by FARB in July. She said the main reason she wanted to attend was because of the lunch meeting topic to discuss the new legislative study about government oversight of regulatory boards in North Dakota. Ms. Tomanek continued by saying she met with many board members, executive directors, and attorneys from the Attorney General's Office that work with different boards and commissions in North Dakota. She stated that many informative topics were discussed and feels that the North Dakota State Plumbing Board would benefit from being a member of FARB.

It was the general consensus of the board to join FARB, as it fits within the Board's budget.

ANNOUNCEMENTS

Wayne Kern Retirement

President Drevecky announced the retirement of Wayne Kern from the North Dakota Department of Health, recognized Mr. Kern's dedication and service to the North Dakota State Plumbing Board and presented Mr. Kern with an award of gratitude.

(Secretary's note: It was decided at the meeting to announce the reinternment of Wayne Kern before hearing from the local inspectors, because Ms. Jones had to leave the meeting).

At 2:45 p.m., the Board recessed for a short break.

Board member Jones and Brady Blaskowski left the meeting.

At 2:55 p.m., the Board reconvened.

REPORTS CONTINUED

Inspectors and Attendees from Local Jurisdictions

President Drevecky called on Mr. Staska, Mr. Samuelson, Mr. Kasper, Mr. Beechie – North Dakota State Plumbing Board, Lon Lessard and Ivan Maas – North Dakota State College of

Science (NDSCS), Chad Finken – City of Minot, Troy Bormann – City of Fargo to report on work or any plumbing issues within their jurisdictions. A brief discussion was held and President Drevecky thanked the inspectors and attendees.

ANNOUNCEMENTS CONTINUED

Vice President Vacancy

President Drevecky explained that with the retirement of Mr. Kern, a new Vice President should be elected at the next board meeting. Mr. Kern's board position will be replaced by an employee with the State Department of Health.

North Dakota State Plumbing Board Bank Account

President Drevecky called on Ms. Tomanek to discuss the North Dakota State Plumbing Board bank account.

Ms. Tomanek explained that with the retirement of Wayne Kern, the Board must take action to appoint a different board member to be added to the Capital Credit Union bank account.

MOTION: Mr. Dirk made a motion to appoint Heather Jones to replace Wayne Kern on the Capital Credit Bank account. Mr. Eman seconded the motion and it was unanimously approved with board members Dirk, Drevecky, Eman and Kern voting in favor.

(Secretary's note: This item was added to the agenda at the meeting).

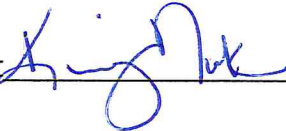
Inspector Meeting

The next inspector meeting will be held on February 15, 2018.

ADJOURNMENT

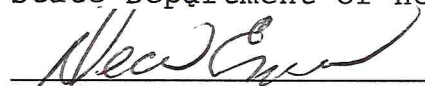
MOTION: Mr. Eman made a motion to adjourn the meeting. Mr. Dirk seconded the motion and it was unanimously approved with board members Dirk, Drevecky, Eman, and Kern voting in favor.


The meeting adjourned at 3:05 p.m., to meet again on February 15, 2018 in Bismarck for a regular meeting, in conjunction with the North Dakota Association of Plumbing, Heating and Mechanical Contractors Convention.

Attest  _____

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President

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State Department of Health

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Master Plumber

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Journeyman Plumber

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Consumer Member