

**NORTH DAKOTA STATE PLUMBING BOARD
MEETING MINUTES
June 29, 2021**

The North Dakota State Plumbing Board met on June 29, 2021 at 1:00 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, Dean Eman – Master Plumber and Heather Jones – Consumer Member.

Board member Jim Fristad – Mechanical Engineer was absent.

Staff members present were Brent Beechie – Chief Inspector, Kimberley Tomanek – Business Manager and Scott Samuelson – Plumbing Inspector.

Also present was Jacob Bodensteiner – City of Fargo, Gage DeGroot and Luke Tillema – City of Minot, Fonda Ruth Thompson and Scott Thompson – My Plumbing Training and Brent Flattum-Riemers - Applicant.

MINUTES

President Jones called for the consideration of the minutes of the February 11, 2021 board meeting.

MOTION: Mr. Bruschwein made a motion to approve the minutes of the February 11, 2021 meeting as received. Mr. Eman seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman 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. Eman 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, Eman and Jones voting in favor.

OLD BUSINESS

Journeyman Plumber License Renewal

President Jones called on Ms. Tomanek to review the Journeyman Plumber license renewal.

Ms. Tomanek explained that Brent Flattum-Riemers was registered as an Apprentice Plumber in 2006 and was issued a Journeyman Plumber license in 2010. In 2018 he was charged with Gross

Sexual Imposition – Sexual Act – Victim Unaware and in June of 2020 was convicted of the same, which was reported on the 2021 renewal form. She continued by saying that Mr. Flattum-Riemers was released from the McKenzie County Correctional Facility in April 2021 and is back working for Manning Mechanical. Ms. Tomanek stated that at the February meeting, the agenda item was tabled to the June meeting to allow Mr. Flattum-Riemers time to be released from jail. The board also requested an updated letter from the probation officer, which is included in the packet along with a letter from Mr. Flattum-Riemers, a letter for support from the employer, Manning Mechanical, and the prior email from the probation officer. Ms. Tomanek concluded by saying that Mr. Flattum-Riemers is present at the meeting and is willing to answer any questions.

There was some discussion among the board members and Mr. Flattum-Riemers about the renewal application.

MOTION: Mr. Eman made a motion to request that Manning Mechanical provide a new letter stating that Mr. Flattum-Riemers will only work on commercial jobs with another journeyman plumber present. Mr. Dirk seconded the motion.

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

AMENDED MOTION: Mr. Eman amended his motion to request that a letter be sent to Manning Mechanical stating with the condition that Mr. Flattum-Riemers can only work on commercial jobs as long as another Journeyman Plumber is onsite. The requirement is effective through December 31, 2025. Mr. Dirk seconded the amended motion and it was unanimously approved with board members Bruschwein, Dirk, Eman and Jones voting in favor.

NEW BUSINESS

Apprentice Plumber License Renewal

President Jones called on Ms. Tomanek to discuss the Apprentice Plumber license renewal.

Ms. Tomanek said that Justin Nagel submitted a 1st Year Apprentice Application on January 28, 2021, which included an affirmative answer for the felony question. She went on to say that the felony explanation was requested in February and received in March. Mr. Nagel was convicted of two counts of Unlawful Entry into a Vehicle in 2008; Possession of Heroin and Drug Paraphernalia in 2015; Charged with Interference with Telephone during an Emergency Call, which was dismissed in 2018; Convicted of Burglary in 2020; Convicted of Conspiracy to Commit Theft in 2020; Convicted of Burglary and Theft of \$1,000-\$10,000 in 2020; and Convicted of Possession of a Controlled Substance – Heroin 2nd Offense and Unlawful Possession of Drug Paraphernalia in 2020. Ms. Tomanek added that Mr. Nagel provided copies of Affidavits of Probable Cause and Summaries for most of the convictions. She ended by saying that Mr. Nagel is currently employed with Q&Z Enterprises, but no letters of support were received from Q&Z Enterprises or the probation officer.

There was a brief discussion among the board members about the application.

MOTION: Mr. Dirk made a motion to deny the Apprentice Plumber application at this time, with the understanding that Mr. Nagle can reapply after a completion of a period of five years after final discharge or release from any term of probation, parole, or other form of community corrections, or imprisonment, without subsequent conviction. Mr. Eman seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman and Jones voting in favor.

Sewer and Water Apprentice License Renewal

President Jones called on Ms. Tomanek to go over the Sewer and Water Apprentice license renewal.

Ms. Tomanek explained that Charles Brown was first licensed as a Sewer and Water Apprentice in 2003 but the license lapsed in 2014 when Mr. Brown was convicted of Gross Sexual Imposition. She stated that Mr. Brown submitted a new application in May and is currently working for Pioneer, LLC in Fargo. He provided a brief explanation of the felony stating that he is monitored and on probation. Ms. Tomanek concluded by saying there is a letter for support from the owner of Pioneer, LLC, but nothing was received from the probation officer.

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

MOTION: Mr. Bruschwein made a motion to approve the Sewer and Water Apprentice license renewal upon receipt of a letter from Mr. Brown's probation officer. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman 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 indicated that the first list contains new licenses that have been issued between February 1, 2021 and May 31, 2021 and the second list contains licenses that have been renewed between February 1, 2021 and May 31, 2021.

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

My Plumbing Training Online Continuing Education Course

President Jones called on Ms. Tomanek to introduce Fonda Ruth Thompson and Scott Thompson and the My Plumbing Training Online Continuing Education Course.

Ms. Tomanek stated that My Plumbing Training submitted a request to provide online continuing education courses for North Dakota. The curriculum will include the North Dakota amendments

and the fee for each course is \$80.00. She said that the Thompsons would be happy to answer any questions.

Fonda Ruth Thompson and Scott Thompson presented an overview of the North Dakota online continuing education course.

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

MOTION: Mr. Eman made a motion to approve My Plumbing Training's proposal to provide online continuing education for the 2018 North Dakota Plumbing Code. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman and Jones voting in favor.

Application, Exam and Late Fees

President Jones called on Mr. Beechie to go over the current and proposed application, exam and late fees.

Mr. Beechie explained that the current application fee is \$25.00 for Journeyman Plumbers and \$35.00 for Master Plumbers; the current exam fee is \$25.00 for Journeyman Plumbers and \$35.00 for Master Plumbers; and the current late fee is \$25.00 for Journeyman Plumbers and \$35.00 for Master Plumbers. The proposed application fee is \$50.00 for Journeyman and Master Plumbers; \$50.00 for exam fees for Journeyman and Master Plumbers; and \$50.00 for late fees for Journeyman and Master Plumbers.

MOTION: Mr. Bruschwein made a motion to increase application, exam and late fees to \$50.00 for Journeyman and Master Plumbers. Mr. Eman seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman and Jones voting in favor.

AquaPort

President Jones called on Mr. Beechie to talk about AquaPort.

Mr. Beechie said that Uponor North America presented a new technology from Europe called AquaPort. AquaPorts have been used for over 20 years in Europe and the product helps combat opportunistic pathogen growth in potable water systems and improves the building's overall hygiene and energy efficiency in the process.

There was some discussion among the board members and staff about AquaPort.

MOTION: Mr. Dirk made a motion to approve AquaPort. Mr. Eman seconded the motion and it was approved with board members Bruschwein, Dirk, Eman and Jones voting in favor.

2021-2022 FISCAL YEAR BUDGET

President Jones called on Ms. Tomanek to present the Fiscal Year Budget from July 1, 2021 to June 30, 2022.

Ms. Tomanek presented the Fiscal Year Budget from July 1, 2021 through June 30, 2022 for approval with the proposed salary increase of 3% for all board staff.

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

MOTION: Mr. Eman made a motion to approve 2021-2022 Fiscal Year Budget as presented with a 3% salary increase for all board staff. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman and Jones voting in favor.

REPORTS

Certificates of Deposit

President Jones called on Ms. Tomanek to report on the certificates of deposit.

Ms. Tomanek stated that there are two certificates of deposit at Plains Commerce Bank each in the amount of \$102,935.13 that mature on October 5, 2021. The other certificate of deposit at First Western State Bank & Trust in the amount of \$100,000 matures on February 23, 2022.

Legislative Updates

President Jones called on Mr. Beechie to review the legislative updates.

Mr. Beechie stated there were several bills that were being followed. The first is House Bill 1166 which is a bill for an Act to amend and reenact subsection 3 of section 15.1-13-17 and sections 15.1-13-17.1, 15.1-18-12, 43-51-11.1, and 43-51-11.2 of the North Dakota Century Code, relating to occupational licensing of foreign practitioners who are residents of the state; and to provide for a report to the legislative management, failed. He went on to say that House Bill 1322 is a bill for an Act to amend and reenact sections 28-32-14 and 28-32-17 and subsection 1 of section 28-32-18 of the North Dakota Century Code, relating to the attorney general's review of proposed administrative rules and the authority of the administrative rules committee to object or void an administrative rule, failed. Mr. Beechie said that Senate bill 2051 is a bill for an Act to amend and reenact sections 43-18-04, 43-18-06, and 43-18-08 of the North Dakota Century Code, relating to employees of the state board of plumbing and fees for applications, examinations, renewals, and late renewals for plumbers, passed. He continued by saying that HB 1183, a bill for an Act to create and enact a new section to chapter 23-35 and a new chapter to title 43 of the North Dakota Century Code, relating to requiring public health units to adopt the technical guide for onsite wastewater recycling treatment and the licensing of installers of onsite sewage treatment systems; to provide for application; and to provide a penalty, passed as amended. Mr. Beechie ended by saying that Senate Bill 2052 is a bill for an Act to amend and reenact section 23.1-16-10 of the North Dakota Century Code, relating to boiler inspections, failed.

North Dakota State College of Science Vacancy

President Jones called on Mr. Beechie to discuss the Plumbing Instruction vacancy at the North Dakota State College of Science.

Mr. Beechie informed the Board that Ryan Meisch resigned as Plumbing Instructor for the North Dakota State College of Science, the position is being advertised and will be filled as soon as possible.

Prosecution for Plumbing without a License

President Jones called on Mr. Beechie to review the process of Prosecution for Plumbing without a License.

Mr. Beechie explained that occasionally he has to work with the County States Attorney's Office to assist in the prosecution of an individual that is plumbing without a license. He said that an example of a Criminal Complaint is attached for review.

Inspectors and Attendees from Local Jurisdictions

President Jones called on Jacob Bodensteiner – City of Fargo, Gage DeGroot and Luke Tillema – City of Minot 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.

Board Member Terms

President Jones called on Ms. Tomanek to review board member terms.

Ms. Tomanek indicated that Mr. Dirk's term expires on June 30, 2021 and indicated that Mr. Dirk already submitted his application for reappointment. She added that that Governor's Office was notified of Mr. Dirk's application and Mr. Eman's resignation, but has not heard back from the Governor's Office yet in regards to the Journeyman Plumber and Master Plumber positions on the Board.

RECOGNITION OF DEAN EMAN

President Heather Jones announced the retirement of Dean Eman from the North Dakota State Plumbing Board, recognized Mr. Eman's service to the Board and presented him with an award of gratitude.

ANNOUNCEMENTS

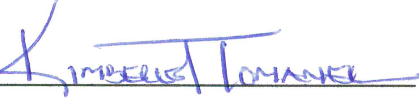
Autumn Board Meeting

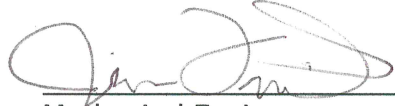
President Jones announced the next board meeting will be held on September 30, 2021 at 10:00 a.m.

ADJOURNMENT


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

The meeting adjourned at 3:10 p.m., to meet again on September 30, 2021 for a regular meeting.

Attest 



Mechanical Engineer



Department of Environmental
Quality

Master Plumber

Journeyman Plumber



Consumer Member