

**NORTH DAKOTA STATE PLUMBING BOARD
MEETING MINUTES
February 6, 2020**

The North Dakota State Plumbing Board met on February 6, 2020 at 1:00 p.m., in conjunction with the North Dakota Association of Plumbing, Heating and Mechanical Contractors Convention at the Bismarck Ramada, 1400 E Interchange Avenue, 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.

Others present were Troy Bormann – City of Fargo, Jeff Klemetsrud – Klemetsrud Plumbing, Heating & Air Conditioning, Chris Plante – City of Grand Forks, Jay Cofell – Cofell Plumbing & Heating, Inc., Jerry Hoffarth – Lunseth Plumbing & Heating Co., Ryan Meisch - North Dakota State College of Science, Jim Thorpe – City of Dickinson, Tom Schimelfenig – Schimelfenig Excavation, Jeff Magrum – Magrum Excavating & Plumbing Company, Clarence Kuntz – Mandan Northwest Pipe Fittings, Mike Birrenkott – Lakeside Services, LLC , Travis Greff – H.A. Thompson & Sons, Jordan Singer – City of Bismarck and Steve Schaan – City Air Mechanical.

MINUTES

President Jones called for the consideration of the minutes of the October 29, 2019 meeting.

MOTION: Mr. Dirk made a motion to approve the minutes of the October 29, 2019 meeting as received. Mr. Bruschwein 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 the budget.

Ms. Tomanek reviewed the financial statements and the budget.

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

NEW BUSINESS

Certificates of Deposit

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

Ms. Tomanek stated that there are two \$100,000.00 CDs at Plains Commerce Bank that mature on August 5, 2020 and requested direction on how the Board would like to proceed with the funds.

MOTION: Mr. Eman made a motion to table the item until the June 2020 board meeting. Mr. Bruhschwein seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman and Jones voting in favor.

License Issuance Policy

President Jones called on Ms. Tomanek to present the proposed License Issuance Policy.

Ms. Tomanek explained that in November of 2019, the office received an email from the Board's attorney, Allyson Hicks. The Attorney General's Office received advice from Risk Management that would minimize risk and provide coverage for claims pertaining to boards and commissions. Risk Management suggested that all licenses issued and renewed, be ratified and approved by the full Board at its next regular meeting. She continued by saying that Ms. Hicks suggested that the Board should make a motion, delegating its authority to issue and renew licenses to the chief inspector or business manager, for all applications and license renewals that meet all requirements and do not require any discretion in issuing. The chief inspector or business manager will keep a list of licensee names and the type of license issued, which will be presented at each regular meeting for review and approval. The Board should take action at every regular meeting to approve licenses issued and renewed since the last date of approval. Ms. Tomanek added that Ms. Hicks also provided an outline of two options for applications and renewals, which are outlined in the draft License Issuance Policy included in the packet. She mentioned that by incorporating this policy, it will aid staff in determining which applications and renewals can be processed immediately or be sent to the Board for review. Ms. Tomanek ended by saying that also included in the packet is a copy of the email from Allyson Hicks, a copy of the North Dakota Century Code for Rights of Convicts and a copy of the Montana Board of Plumbers laws on how what they call, "non-routine applications", are handled.

There was discussion among the board members about the proposed License Issuance Policy and the general consensus was to delegate authority to issue and renew licenses to the business manager or chief inspector, for all applications and license renewals that meet all requirements and do not require any discretion in issuing, which is Track 1 – Easy Applications. It was also agreed that the discussion for Track 2 – Applications that raise questions or concerns that require discretion on whether to issue a license should be addressed at the June meeting.

MOTION: Mr. Dirk made a motion to delegate authority to issue and renew licenses to the business manager or chief inspector, for all applications and license renewals that meet all requirements and do not require any discretion in issuing, which is Track 1 – Easy Applications; and to table the discussion for Track 2 – Applications that

raise questions or concerns that require discretion on whether to issue a license should be addressed at the June meeting. Mr. Eman 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 application and license renewals.

Ms. Tomanek said that the first list is licenses that have been issued since the beginning of the fiscal year, July 1, 2019 and the second list is licenses that have been renewed since July 1, 2019.

MOTION: Mr. Eman made a motion to approve the new applications and license renewals from July 1, 2019 through January 31, 2020. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman and Jones voting in favor.

Master Plumber License Renewal

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

Ms. Tomanek explained that Shawn Ellingson registered as an Apprentice Plumber in 2001 and was issued a Master license in 2007. She continued by saying Mr. Ellingson was convicted of Terrorizing and Felonious Restraint in 2017 and the conditions included a chemical dependency evaluation; violate no criminal laws; three years of supervised probation; and two years of confinement with 364 days suspended which was reported on his 2018 renewal form. Ms. Tomanek went on to say that Mr. Ellingson's license was renewed in February 2018. The office received Mr. Ellingson's 2019 renewal form on November 26, 2019, which indicated that in September of 2018, he was convicted of Escape with conditions that included 18 months concurrent supervised probation; and violate no criminal laws. She stated that Mr. Ellingson was then convicted of Unlawful Possession of Drug Paraphernalia in March 2019, subsequently his probation was revoked and he was re-sentenced to two years of incarceration, with credit of one year and 45 days of time served. Ms. Tomanek concluded by saying that Mr. Ellingson is currently at the James River Corrections Center in Jamestown and is scheduled to be released in April 2020. Included in the packet are two letters from Mr. Ellingson, a letter of support from his mom and a letter of support from his sister.

There was discussion among the board members about the application and the general consensus was to table the item until Mr. Ellingson has been released from confinement before a decision should be made.

MOTION: Mr. Eman made a motion to table the Master Plumber license renewal item to the June 30, 2020 meeting, with the requirement of letters of support from Mr. Ellingson's probation officer and employer, if any. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman and Jones voting in favor.

Apprentice Plumber License Renewal

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

Ms. Tomanek stated that Christopher Scott was licensed as an Apprentice Plumber in December of 2013. He accumulated 5,705 hours before the license expired on December 31, 2016. She said that it appears he was not plumbing in 2017 and 2018, but the new application received by the office on December 20, 2019 indicates that he worked for Midwest Mechanical from December 2018 to December of 2019. Ms. Tomanek went on to say that the application also disclosed a felony conviction. Mr. Scott was convicted of 3rd Degree Burglary in March 2019 and then 5th Degree Drug Possession of Marijuana (not small amount) in August 2019. Mr. Scott did serve time in jail, but is now on supervised probation. She ended by saying that included in the packet is an email of support from Mr. Scott's probation officer, Almir Jupic, and a letter of support from his current employer, Lunseth Plumbing and Heating.

There was discussion among the board members about the application.

MOTION: Mr. Bruschwein made a motion to approve Christopher Scott's Apprentice 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. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman and Jones voting in favor.

REPORTS

Fort Berthold Reservation Inspections

President Jones called on Mr. Beechie to discuss Fort Berthold Reservation Inspections.

Mr. Beechie indicated that the North Dakota State Plumbing Board is now performing plumbing inspections on the Fort Berthold Reservation and have been working with Orin Grinnell, the Building Inspector for Three Affiliated Tribes.

Private Sewage Disposal Systems

President Jones called on Mr. Beechie to provide an update about Private Sewage Disposal Systems.

Mr. Beechie said that there will be a round table discussion after the board meeting with Tom Schimelfenig from the North Dakota Onsite Wastewater Recycling Association. The topic of discussion will be about the current legislative study in regards to septic tanks and drain fields.

2018 North Dakota Plumbing Code

President Jones called on Mr. Beechie to talk about the 2018 North Dakota Plumbing Code.

Mr. Beechie announced that the last step in the process is appearing in front of the Administrative Rules Committee on March 4, 2020, with an effective date of April 1, 2020. He anticipates that the books will be ready for sale at the 2020 continuing education sessions.

Board Member Appointments

President Jones called on Ms. Tomanek to review the current board member appointments.

Ms. Tomanek shared that Mr. Eman's four-year term is next to expire on June 30, 2020. She added that if Mr. Eman is interested in serving another term, he must reapply with the Governor's Office.

Inspectors and Attendees from Local Jurisdictions

President Jones called on Troy Bormann – City of Fargo, Ryan Meisch - North Dakota State College of Science, Chris Plante – City of Grand Forks, Jim Thorpe – City of Dickinson, Scott Samuelson – North Dakota State Plumbing Board and Jordan Singer – City of Bismarck 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 and Fall Board Meeting

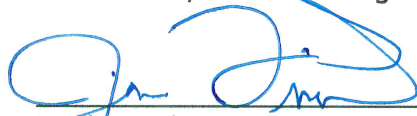
President Jones announced the next board meetings will be held on June 30 and October 27, 2020. An Inspector meeting will not be held in June, but will be scheduled for October.

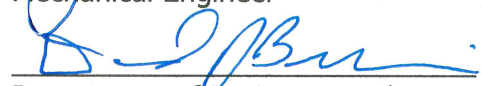
ADJOURNMENT

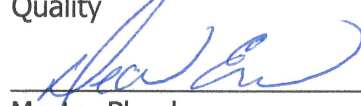
MOTION: Mr. Bruschwein made a motion to adjourn the meeting. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman and Jones voting in favor.

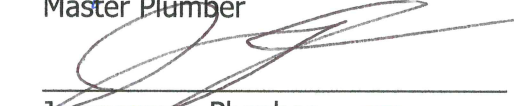
The meeting adjourned at 2:23 p.m., to meet again on June 30, 2020 for a regular meeting.

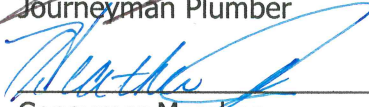
Attest  _____

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Mechanical Engineer

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Department of Environmental
Quality

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Master Plumber

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Journeyman Plumber

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Consumer Member