

ELECTRICAL BOARD MEETING MINUTES

Call to Order: The meeting of the Wyoming State Electrical Board (the "Board") was called to order by Chairman, Daryl Orbeck, at 9:00 a.m. on Tuesday, December 4, 2007 at the Herschler Building – Room 1699, 1 West, 122 W. 25th Street, in Cheyenne, Wyoming.

Roll Call/Members
Present:

Roll call was taken by Stephanie Wagoner. Daryl Orbeck – Chair - present; James Holder Jr. – Secretary - present, Steve Glenn - member - present; Rob Forister – member – present, Dave Leinen – member - present.

Approval of Minutes:

Jim Holder moved that the minutes of the August 3, 2007 and September 24, 2007 meetings be approved. Rob Forister seconded the motion. Motion carried. Reading of the minutes was dispensed with.

Present employees of
The Department of Fire
Prevention &
Electrical Safety:

Lanny Applegate – State Fire Marshal; Mike Carlson – Assistant State Fire Marshal; Kevin Booker – Chief Electrical Inspector; Darrell Bay – Electrical Inspector; Rick Michon – Electrical Inspector; Stephanie Wagoner, Minute Taker were present.

Others Present:

Others present at the meeting were Beth Lance – Attorney General's Office; Lloyd Osborn – Cheyenne IAEI; Steve Snook – Wheatland; Patrick Carlson – NECA – Casper; Mike Forister – Citizen of Wyoming; Martha Davey – Central Wyoming College; Donald Canaday – Guernsey; Rocky Anderson – WY Elect. JATC; Jim Scribner –IBEW Local 322; Charlie Dockham – IBEW Local 322;; Doyle Egli – IBEW Local 415.

Correspondence: 1. Wheeler Electric – Kevin stated Wheeler Electric has had many violations on civil penalties against them and they agreed to the conditions of the letter from the Department that was written to him. The correspondence was sent to the Board members prior to the meeting. Wheeler Electric promised to make sure their people will have a license. Rob asked how many times was he warned? Kevin responded eight times; and if he violates this condition he will then have to go in front of the Board and face civil penalties.

Public Comments: 1. Marth Davey – Central Wyoming College for apprentice training programs.
2. Donald Canady
3. Doyle Egli – Contractor Licensing.

All above public comments will be added on to the agenda under new business.

Approve Agenda: 1. **Jim Holder made a motion to approve the agenda. Rob Forister seconded the Motion. Motion Carried.**

Appeals to the Board: 1. None.

New Business: 1. Martha Davey from Central Wyoming College. Martha stated that this is a request to be placed on the Board's next meeting agenda. Martha stated that these programs are accredited on-line courses. Martha stated that if the Board has any questions to please let her know.

Daryl asked if these programs are offered to everyone? Martha stated yes. Daryl asked in real-time? Martha stated yes, they can have chat time, and they can take this program anytime.

Rob Forister asked are you pursuing BAT? Martha stated no. Martha stated we are approved through the Board for classes but not for on-line. Martha stated we would like to have approval from the Board to submit these courses on-line. Martha stated she will bring back the concerns the Board has at the next Board meeting. Martha stated that this gives the students the flexibility for time and location.

New Business Cont'd:

Rob stated that he did have a concern as to how verify that the person is the person that is actually taking the test?

Steve Glenn had a concerns but he understands the need for some on-line courses. Steve stated he would like to see the curriculum that would be presented and he would like to review the outline.

Daryl Orbeck asked how does the web camera work? Martha explained how the web audio would work. Martha stated that course fees could be substantial. Daryl also stated that he would also like to see more than one final exam.

Jim Holder asked if the students fail the exam, do they not get the hours? Jim stated that this needs to be looked at. Martha stated as long as they would meet the criteria.

Daryl asked Martha to put our concerns together so she can present these at the next meeting. Martha agreed.

2. Donald Canady of Guernsey Wyoming. Mr. Canady stated that he doesn't think the Chief Electrical Inspector –Kevin Booker did his job on complaints that he filed with the Department.

Lanny stated that Mr. Canady has requested this to be an appeal process, but Mr. Canady did not submit the appeal paperwork in a timely fashion. Lanny asked Beth Lance if it was ok to proceed with this appeal? Beth stated that this is ok to do under public comment. Beth stated that if this is not handled today than the appeal could be set at the next meeting.

Mr. Canady's complaint is that NowCap (federal government) came into my home to put in a furnace and they hired an unlicensed electrician to put it in. Mr. Canady stated that the electrician left bare, hot wires in his home; and now he feels that NowCap should have a licensed contractor. Mr. Canady stated to the Department on December 5th to Kevin Booker as soon as they found out it was federal government then the Department threw the complaint away. Mr. Canady feels the contractor should be held accountable and been given a fine.

New Business Cont'd:

Kevin stated that this was handled like any other citizen complaint. Kevin stated that the heating guy did do connecting not reconnecting. Kevin stated he did issue warning notices to Larry's Service. Kevin stated that we have never issued a fine on a first time violation.

Daryl agreed that we don't fine people on the first offense.

Mr. Canady read the code. Daryl stated what they did was a violation, and the first time they do get a warning notice. Mr. Canady stated that NowCap should have never hired that person. Mr. Canady has asked for a copy of the complaint, and the Chief Electrical Inspector would not give him a copy. Mr. Canady stated if the Board thinks that we need a court order, then that is what we will do.

3. Contractor Licensing – Doyle Egli. Doyle stated that Labor Broker is turning electricians into contractors. Doyle stated that Kevin and him contacted them and they did not have a contractor's license. Doyle stated that he has run into this before with CLP; and said that once you explain the law then they usually back off.

Kevin asked if they were really a contractor or a sub-contractor. Daryl stated that last time we went through this, this is how it came out. Daryl stated that we need an actual definition as to what is what; two different companies using the same master. Daryl stated they are furnishing labor (CLP) and they don't have a contractor's license.

Jim asked if CLP have an approved apprenticeship program? Kevin stated yes.

Doyle stated that apprentices will be training down in Colorado. Kevin stated that is ok, but they just have to keep documentation.

Kevin stated Doyle's main issue is should they be viewed as electrical contractors?

Rob referenced the rules.

Doyle stated they actually work for the labor broker. Doyle stated that another issue is that contractors are using the same master electrician.

Daryl read the electrical contractor definition out of the Electrical Board Rules. Rob stated that he thinks it meets the rules.

Lanny suggested having legal counsel's opinion. Beth stated the Board should put together a written request. **Steve Glenn made a motion for the Board to put a written request to the Attorney General's Office to the attention to Beth, with a question of "in regard to the definition of an electrical contractor do they have to be an hourly employee". Motion seconded by Rob Forister. Motion carried.** Kevin stated that he will draft the letter and send it to Daryl.

The chairman requested a 15 minute break at 9:45, the meeting was reconvened at 10:15.

Unfinished Business:

1. Status of Electrical Board Rules: Stephanie gave an update of the Electrical Board Rules. Steph stated that the rules for the Board are in the final stages of the rule process; and we will need to set up a conference call with the members of the Board on December 20th. This conference call is so the Board members can make a motion to adopt the final rules. The Board members agreed on the date of December 20th at 3:30 p.m. for the conference call. After the conference call is complete the Board rules will go over to the Governor for his signature.

Rocky Anderson stated that he was not aware of the timeline for the rules. Rocky had a complaint, and stated there should be an exception to the rules on hours on code cycle years. Rocky stated the old system worked good.

Daryl stated this option may be available through the testing.

Steve Snook stated that we should bring the rules in line with the statutes.

2. ICC Testing Update – Lanny/Kevin: Kevin gave the Board a copy of the test sites.

Unfinished Business

Cont'd:

Lanny stated that our agency partnered up with WAM to get more test sites available. Lanny stated that we are working for 10 or more additional test sites across the state. Lanny stated that you will not know if you pass or fail. Lanny stated that if you want to know if you pass or fail right away you will have to go to Laser Grade testing sites.

3. Approvals for Continuing Education - Apprenticeship Program and Instructor Certification (Tabled from the September Conference Call Meeting). Kevin talked about the last meeting, and it was decided that the Board would approve the Instructor for each code cycle and that they would send in each individual course that they would want to teach. Kevin asked the Board if we would get good turn-around time on this?

Daryl stated that this would be a longer process. Lanny stated that we could send it out either e-mail or hard copy and we would send it out every Friday to the Board. Daryl stated he would like to see every code cycle, do we want to do this?

Kevin suggested four year approval. Daryl stated you mean from the date last time approved for four years? Daryl stated that is tough. Kevin stated that we would do a blanket approval for Rocky and IAEL.

Daryl stated that these approved instructors and dates should go on the web page with an expiration date.

Dave Leinen made a motion to approve instructors for four years for continuing education and apprentice programs with exceptions for IBEW, JATC, National AEI and community colleges. Motion seconded by Steve Glenn. Motion Carried.

Pat Carlson had a clarification as to what follow-up are you going to do with this course? Daryl stated that we are going to audit. Kevin stated that we could take care of it and not approve any more classes.

Daryl clarified that the Board is approving the instructor; and that Kevin is approving the classes of approved instructors.

Unfinished Business

Cont'd:

Kevin asked how many hours for continuing education can come from on-line courses? Steve stated don't set on-line hours, but approve each course separately. Daryl stated that we are in our old agreement for on-line courses. Daryl stated that the problem is the number of on-line courses.

Kevin stated that Colorado is reciprocating continuing education on-line. Kevin stated that is why we don't reciprocate with Colorado for continuing education.

Daryl asked can we reciprocate but do not include on-line courses.

Beth stated that you would have to amend the agreement and the question is if they would sign-off on it or not. Steve stated that he doesn't think the multi-state would not sign off on this. Daryl stated we could send letter to all the states on agreement stating we don't honor on-line. Beth stated she would help amend the agreement to have the amendment say, "on-line courses we reserve the right to approve or disapprove any on-line course."

Kevin would like to table this until the next meeting. **Motion was made by Steve Glenn to table this discussion to the next meeting. Motion seconded by Dave Leinen. Motion Carried.**

Cease & Desist/Warning
Notices:

1. Warning Notices: Daryl Orbeck stated that the Board received the warning notices but the names on the notices are blanked-out. Daryl stated that the Board appreciated receiving these notices, and thanked the Department.

Rob stated that he would like to see the totals on a spreadsheet, not individuals copies and to include the following in the spreadsheet: Locations, violations, inspector, and tell us how many violations the contractor has had.

Test Results/Applications
For Test(s):

1. Test Results. Daryl went over the test results that were in the Board Books.

Announcements:

1. None.

Open Discussion:

1. Mike Forister asked how long do you have to get your license after you take your test? Mike stated that there is nothing in the statutes or the rules that answer that question.

Beth asked how long are test results valid? Kevin stated we can go back two years. Kevin and Lanny will work with Beth on this

Agency Updates:

1. Administration: Lanny introduced all employees who were present at the meeting. Lanny then introduced all the new employees as follows: Ian Kraft is the Regional Trainer who took Ken Metzler's place; Gerald Phipps is the Fire Academy Coordinator and Ken Metzler is now the Academy Trainer.

Lanny stated that we do have a vacancy in the Sheridan Office for the trainer position. Lanny stated that we are close to filling this position by Mid January.

Lanny stated that we have submitted our agency budget to the Governor, and most everything was accepted. The regional training facility was denied as to the funding did not go through. Lanny stated that our Agency will meet with the Joint Appropriations Committee on December 11th to go over the budget the Governor has recommended.

2. Fire Prevention: Mike Carlson stated that in the Fire Prevention Division we are updating the policy manual for the inspectors. Mike stated that when this is finalized we will give the Council a copy.

Mike stated that ICC is producing an update to highlight the major differences between the 2006 and the 2003 codes. Lisa asked when this update would be available. Mike stated that it would be available by January 1st.

Mike stated that we are seeing more and more above ground storage tank plan reviews; and we are trying to facilitate the plan review process to avoid duplicate and to make sure the process is working. Mike stated that we are working with some other state agencies on this issue.

3. Electrical: Kevin Booker stated that licensing is way up. Kevin stated that ICC gave a paper and pencil testing and a construction test.

Kevin stated that we have lost one testing site at the Casper Airport but there is a possibility we could get a site at the Casper College. Kevin stated that the testers switch over in 2008. Daryl asked if this testing is over and above. Kevin stated yes. Lanny stated that we should also be getting more test sites also.

4. Training: Lanny stated that a copy of the Training Division Report is in the Board Books.

Next Scheduled Meetings:

1. The Council recommended the following meeting dates listed below. It was agreed that the next scheduled meetings for the Board and Council will be:

April 23, 2008 – Council in Newcastle
April 24, 2008 – Electrical Board in Newcastle
August 7, 2008 – Council in Casper
August 8, 2008 – Electrical Board in Casper
December 11, 2008 – Council in Cheyenne
December 12, 2008 - Electrical Board in Cheyenne.

Adjournment:

Jim Holder moved the meeting be adjourned. The motion was seconded by Steve Glenn, voted on and carried. The meeting was adjourned at 11:45 a.m.

APPROVED AS WRITTEN:

James Holder, Secretary
