

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 8:30 a.m. on Friday, April 20, 2007 at the Best Western, 260 Grand View Drive in the War Bonnet Room, in Lander, Wyoming.
- Roll Call/Members Present: Roll call was taken by Stephanie Wagoner. Daryl Orbeck – Chair; James Holder Jr. – Secretary, Steve Glenn - member ; Rob Forister, Dave Leinen – member were all present.
- Approval of Minutes: **Jim Holder moved that the minutes of the December 7, 2006 meeting be approved. Steve Glenn 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; Rick Michon – Electrical Inspector; Tom Benton – Electrical Inspector; Doug Novotny – Electrical Inspector; John White – Electrical Inspector; Kelly Brittain – Electrical and Fire Prevention Administrative Secretary; Stephanie Wagoner, Minute Taker were present.
- Others Present: Others present at the meeting were Patrick Carlson – NECA; and Chris Jepson – Electrical Contractors; Don Larson – IME; Lloyd Osborn – IAEI; Andrew Cook – IME; and Lori Clifford – Citizen of Wyoming.

- Status of Employees: Lanny introduced all employees present at the meeting: Rick Michon – Electrical Inspector Douglas area; Tom Benton – Electrical Inspector – Afton area; Doug Novotny – Electrical Inspector Riverton area; Mike Sexton – Fire Investigator and license checks stationed in Cheyenne; John White – Electrical Inspector – Green River area, Mike Carlson, Deputy State Fire Marshal; Kevin Booker who was just hired as the new Chief Electrical Inspector, Kelly Brittain – Administrative Assistant – Cheyenne; and Stephanie Wagoner, my Executive Assistant in the Cheyenne office.
- Vacancies: Lanny stated that the only vacancy the Department has is located in the Buffalo Office, which is our Fire Trainer. Lanny stated that this will be advertised next week.
- Lanny stated that effective July 1st in the Riverton area, due to this last Legislative Session the State has agreed to take over the property of the Wyoming Fire Academy in Riverton. Lanny stated by doing so, we will be hiring a full time trainer, a full time secretary, and a Fire Academy Coordinator for the Riverton Office.
- Public Comment: Daryl stated that under our Public Comment we have Lloyd Osborn and Lori Clifford, do we have anyone else who would want to address the Board. Lanny stated that he had received a phone call last night about a concern that has to do with reciprocals. Lanny stated he would like to add this to the agenda under New Business.
- Approve Agenda: **Rob Forister made a motion to approve the agenda. Jim Holder seconded the Motion. Motion Carried.**
- Public Comments: 1. Lloyd Osborn – Continuing Education Courses. Lloyd stated that he is a representative of the Rocky Mountain Chapter of the International Association of Electrical Inspectors (IAEI). Lloyd stated that recently this came to the Rocky Mountain Chapter's attention that our continuing education seminars were no longer approved by the State of Wyoming. Lloyd stated that this came as a shock to him. Lloyd stated that there are many, many electricians from around the country that get their 16 hours by going to our seminars in Colorado. Lloyd stated that he went into the Department and visited with the people in the office and we have this taken care of temporarily. Lloyd stated that his purpose here today is to see if we can get approval for IAEI Seminars for

Public Comments Cont'd:

wherever they may be put on. Lloyd gave the Board some background about IAEI as to when it was formed back in 1921 and some additional history about IAEI. Lloyd stated that IAEI has more or less blanket approval in Nebraska is approved for continuing education; Colorado does not have continuing education, but we are approved to put on seminars for their inspectors and contractors. Lloyd stated that the IAEI nationwide puts on about 140 seminars a year and secretaries of the individual chapters turn the paperwork into the international office to get approval to do CEU's. Then we are allowed to give each attendee, as requested, a certificate of continuing education. Lloyd stated we have turned in the paperwork to get the Colorado seminars approved for 2007 and 2008, but during your considerations today, I would like the Board to think about the IAEI as a whole, their seminars being approved.

Daryl stated that one of the items that we will be discussing under New Business is continuing education approvals. Daryl stated he would like to hold off on any decision until we get to the discussion under New Business. John White stated that the CEU's are also used for the inspectors of the Department, so this is very important. Daryl asked Lloyd to come back for the discussion this afternoon on continuing education. Lloyd agreed to attend. Daryl stated that the Board has been approving all of these, but now since we have a Chief, we now need to come up with some type of specifications when the Chief is reviewing these. Daryl stated that he believed these should be on the Department's website, the addresses and phone numbers once these are approved. Daryl stated that the Board needs to streamline this system and make sure that these classes are open to the public, and one suggestion is to possibly the instructors would get approval for maybe three years and then each time there is a seminar you would send in the material. Daryl stated the main purpose of this is to get the people on the web page with dates so we can monitor these courses. Daryl stated before we make any decisions on this the Board needs to address the whole continuing education issue. Daryl stated we will finish this discussion under New Business.

- Public Comments Cont'd: 2. Lori Clifford of Casper Wyoming. Lori stated that she is here on her own behalf and her husband. Lori stated that in Feb of 2006, her husband and her experienced frozen pipes in the basement of their house. Lori stated their basement was somewhat ruined and decided to remodel which required some electrical work to be done, so she hired a master electrician, John Kennedy from M & K Electric to do repairs and remodeling of electrical wiring. John Kennedy sent two of his workers, Frank and Chad to do the work without the assistance of supervision of a journeyman or master electrician. Frank and Chad's workmanship resulted in damage to my home. M& K Electric abandoned the work they started and left several serious fire hazardous which required hiring a new electrician to fix the problems. Lori stated she has pictures showing all the problems that M& K Electric left in her home. The Board reviewed the pictures. Lori stated that M&K Electric refused to take out a permit. Lori stated she had Anchor Electric to come out and check out her house. Lori stated that Anchor Electric has repaired all damages caused by M&K Electric, and she has paid for everything that was done. Lori stated she thinks this situation should have been handled differently, and that it has been over a year.

Daryl asked the Department on their stance with what happened. Mike Carlson stated that Bruce Trembath, an Electrical Inspector with our Department told me about the complaint with Mrs. Clifford which she filed on May 1, 2006. Mike told Lori that this was a civil matter, and that this complaint was monitored through our office with Bruce Trembath.

Rob Forister stated that according to the Electrical Board Rules the only resolution we can do is issue a warning notice or take away the license. Rob stated that we should let this follow the rules as written. Rob stated that this should go to the Chief Electrical Inspector for his decision, and then the Chief will file a formal complaint with the license.

Mic Finn with the Attorney General's Office said that with the new legislation that went in effect last year, this is a blatant code violation. Daryl stated that the Board has always done this. Mic stated that the statute does not

Public Comment Cont'd:

allow this, to suspend a license. Daryl stated that he recommends that the Department looks at this, and this is the way it has always been done. Mic stated again, that he doesn't think the statutes allow this. Beth Lance with the Attorney General's Office stated that under Section 2 of the Board Rules, it does give the Board the right to suspend a license. Daryl read 35-9-121 which allows the Board to do this. Daryl stated that this is why the Board created the Rules for the Board. Daryl stated that the rules used to be the Department Rules.

Mic stated civil penalties are not available in this case and he doesn't believe the Department has the authority to do warning notices. Beth disagreed with Mic, and she stated she believes the Board does have the authority to do this. Mic discussed instances with the Supreme Court. Daryl stated that he doesn't care what the Supreme Court thinks. Daryl stated he wants to do his duty as a member of the Board, and put the person on notice which is the first step in the process.

Lori stated that what the Board and the attorney's just demonstrated here is her frustration she has been dealing with for over a year, and that is why we need to protect the public even more. Lori stated that here it is a year later and she hasn't even received a letter from the Department, the only thing the Department did was have Bruce Trembath come over and look at her house. Mic stated that this is a legislative problem. Lori asked if the Department was bending the rules to fit each job. Lanny stated that our inspectors do not bend the rules. Daryl stated that he was going to hand this issue over to the Department. Rob Forister stated that the Board needs to have the ability to take away home rule. Lanny stated that we do have the ability to check the license and take away home rule. The Board turned this matter over to the Department and asked for the Department to give the Board an update at the next meeting. The Board thanked Mrs. Clifford for coming and Mrs. Clifford thanked the Board for their time. Discussion Held. No Motion Made.

New Business:

1. Appeal - Andrew Cook – Intermountain Electric: Andrew Cook stated he is here to file an appeal with the Board to be able to take his journeyman's test. Andrew stated that he has enough hours and had the résumé for it. Andrew said the information that is beyond ten years, he is having a hard time getting that information. Andrew stated that he and his company believes that he does have the skills and the abilities to pass the journeyman's test.

Daryl stated he looked over Mr. Andrew's correspondence, and he asked where the education was. Andrew stated that where he worked before, they didn't require him to have education requirements, you were just required to be under a journeyman at all times. Daryl stated that this is a problem? Andrew replied that it seems to be a problem with the Board. Kevin Booker stated the only reason this has been denied is because of the education requirement. Daryl stated that if Andrew could get a journeyman's license in one of the other states that he worked in, that would be his best solution.

Chris Jepson – Intermountain Electric stated that he doesn't have the notarized hours and he does realize that the schooling is a problem. Mr. Jepson stated that if Andrew had all the documented paperwork the Board or the Department would have classified him as a 1st year apprentice. Kevin Booker stated that if Andrew would be a journeyman in Michigan than he could come back to Wyoming. Daryl suggested that Andrew get a correspondence course going. Kris Jepson said another option would be to take a test with a state that Wyoming reciprocates with.

Andrew stated he was asking the Board for a chance to show himself. Daryl stated that he was sorry, but this was a rule that the Board cannot bend. Daryl suggested that Andrew goes back to Michigan and get a license. Jim Holder suggested to take the test in South Dakota or Colorado then come back and take Wyoming's test.

2. Lanny – Phone call on reciprocal concern: Lanny stated that an individual called him and he used to have a Wyoming journeyman's license several years ago, he moved to Idaho and reciprocated with Idaho, and has been in Idaho for seven years now, and in the meantime he thought he could come back to Wyoming. Lanny stated there is a job coming up in Wyoming and he wants

New Business Cont'd:

to reciprocate back. Lanny said the questions is can he reciprocate back to Wyoming? Daryl asked has he held is Idaho license for a year? Lanny replied yes. Daryl said yes, if he has took the test over there and has held is license for a year then yes he can reciprocate back to Wyoming. Daryl stated he can reciprocate with us as long as he keeps Idaho's license. Daryl stated that if he wants to take a test in Wyoming, then he could drop Idaho's license. Discussion was held. No Motion Made.

3. Pat Carlson – NECA: Pat asked if we reciprocate Master's Licenses? Daryl said yes, but only with some states. Kelly Brittain stated we do reciprocate Master's Licenses with South Dakota, and Utah. Daryl clarified that we do have an agreement to reciprocate Master's with Idaho. Kelly Brittain said that is correct, Daryl did sign the agreement. Daryl said our reciprocal agreement is only a one-way agreement. Daryl said we wouldn't reciprocate their contractor's license, we would only reciprocate their master's license. Daryl stated he believed Idaho had a masters. Daryl stated to make sure we watch this if someone comes from Idaho with a contractor's license do not let them take our master's test. Discussion Held. No Motion Made.

The Board recessed for a break at 10:00 a.m. and reconvened at 10:25 a.m.

4. ICC Testing Concerns: Jim Holder stated some concerns in regarding to our testing. Jim stated years ago we brought LaserGrade in to the Board Meeting and they made a presentation, and I thought we were going with them. Jim stated now, somehow we are using ICC, and we don't get test scores, and we have dropped down to 80 questions from 100 questions on the journeyman test, wondered why? The Board was surprised that the questions dropped from 100 to 80. Jim agreed with Lanny to make ICC required to give the scores. Lanny stated that the Department will be reviewing the testing contract and deciding if we will renew or not. Lanny stated that he will give an update at the August meeting to which testing agency we are going to use. It was also suggested to put the testing information on the Department's website. Lanny also stated he was going to push ICC real hard to develop more testing sites, as they promised us two years ago, which has not been done yet.

New Business Cont'd:

Lanny stated the testing sites we have now are Casper, Sheridan, Cheyenne and Gillette. Daryl stated another issue that Lanny may want to bring up is to get their proctors up-to-speed. Daryl stated another problem is they are not letting people bring reference manuals into the test which the Board said they could take into the test. Lanny stated when we get all this worked out, we will post on our website what will be allowed to take into the test. Jim Holder asked what the differences were between the indexes allowed to take in to take the test. Kevin Booker stated that we were not taking the Tom Henry's in, he didn't know why, but we weren't using that one. Jim asked who made the list? Jim made a proposal to be allowed to take the Tom Henry's Index into the test. Lanny stated send this request in as a Board's request. Discussion Held. No Motion Made.

The Board recessed for a lunch at 11:30 a.m. and reconvened at 12:45 p.m.

5. Continuing Education Approvals – Board or the Chief:
Daryl stated the first question we need to discuss is who approves the Continuing Education Approval the Electrical Board or the Chief? Rob Forister asked what the Board Rules say? Daryl responded that it is the Board's responsibility, but the Board, in the past has delegated this to the Chief Electrical Inspector and he thinks we should keep it this way. Daryl stated that he would like to come up with a criteria/boiler plate in approving these continuing education courses, and then if it is one of those programs that meet the criteria then Kevin could just sign off on it. Then if it is a gray area or the Chief wants an opinion or has a question on them, the Chief could then send it to the Board for our review.

Lanny stated that the difficulty from our office has been that we have been sending them to the Board, it takes a while to get a response back from the members and this delays the process.

Daryl stated some criteria that we need is to first of all they need to fill out our form, and we need to put on that form what is important to us, and we will not accept the application unless they are using our form. Daryl stated some other criteria is that we don't need to have tons of these out there, and we don't need a lot of on-line courses, they need to be open to the public, need to know

New Business Cont'd:

when the classes are scheduled so we can monitor them, and need to have mainly classroom instruction. Daryl stated that if was taught by the International Association of Electrical Inspectors, the Board does not need to see these. Daryl made a suggestion that we could approve a program for three years or approve an instructor for three years, but the instructors would then have to send in for approval for each of their programs. Lanny stated he liked the idea of with the cooperation of Kevin and the Board in coming up with a boiler plate for the courses. Daryl stated then if the course meets all the criteria on the form and the boiler plate then it would be approved, if not then Kevin could send it to the Board. Lloyd Osborn thought these suggestions sounded fine. Daryl stated that he didn't think there would be a problem if the instructors turned in all three years at one time, if they know the dates of the classes. Daryl agreed with this.

Lloyd asked if we could take care of WY, CO and NE because they are close and we have personal contact with them, but with an IAEI class that is taught in Massachusetts and gets a CEU, would that be accepted in Wyoming? Daryl stated it would be ok from IAEI, but not sure we should give this approval throughout.

Rob Forister speaking as the Secretary of the Wyoming Chapter of the IAEI, stated he thought if the Board would accept CEU's from organizations that we trust. Rob stated that the IAEI is reputable and well recognized for continuing education all over the country and there maybe other will recognized organizations that we may also be able to trust. Rob stated this is something that we shouldn't decide at this meeting, but should be something the Board should look at since this would be a valid method for continuing education. Rob asked Beth Lance if she had CEU's as a lawyer? Beth replied yes, that there are specific national organizations that are always pre-approved. Beth made a suggestion for the on-line courses, is that what we do for the attorneys is that we need 15 hours a year for continuing education and we are only allowed 1 or 1½ of those credits to be on-line and the other would have to be classroom to meet the requirement. Beth stated this might be an idea to help set the criteria. Lanny suggested in the boiler plate to put in what classes we will accept and from whom we will accept. Lloyd asked the Department if we get any other

New Business Cont'd:

CEU's requests other than the IAEI? Kelly responded yes we do. Rob stated one would be ICC. Lloyd stated he would get Daryl some information on the CEU's.

Steve Glenn asked if it would be possible to have a separate application for a national company that gives classes throughout the company for blanket approval for their classes. Steve stated then we could look at those and be very selective and have a much higher scrutiny on those than on the individual applications. Steve stated then we could approve only a handful of very select organizations for that blanket approval throughout the country. Steve asked if that would be an option. Daryl responded that yes, this is what he was originally thinking. Daryl stated that they would approve the instructors for the full three years and then approve the seminars as they come through with the dates and times. Daryl stated that we could make this a very limited group. Steve stated for example, all CEU's from an IAEI course will be accepted in Wyoming and then list on the website for individual course information. Daryl agreed with that suggestion. Daryl stated we could list the instructors on the Department's website, then put a link to go to their individual websites for course information.

Lloyd thanked the Board for their time.

Kevin asked what are we going to do with all these courses that have all been pre-approved? Daryl stated that they will all expire in July. Kelly stated they will expire in July of 2008. Daryl stated that we need to get in touch with everyone who has been pre-approved to let them know that their classes will expire in July 2008.

Steve Glenn stated that he thought this is a bigger issue and we should not make a decision here today. Steve suggested having a separate conference call to discuss this and come up with a boiler plate for the continuing education. It was suggested for all the Board Members and the Chief Electrical Inspector to right down all their thoughts then get together.

As of today, the Board suggested the Chief/Kevin to review the Continuing Education Courses that come in, and if the Chief feels comfortable to make a decision that

is fine, if Kevin is not sure or has questions, then the Kevin will send them to the Board for their review. Discussion was held. No Motion Made.

Unfinished Business:

1. Electrical Board Rules Discussion: Daryl stated that everyone should have a copy of the proposed rules for the Board that were suggested from the last meeting. Daryl stated that there is also a handout of some suggested rule changes from Kelly Brittain for the Board's review. Daryl stated that if anyone has any other issues or suggestions to please come before the Board know. The Board went over Kelly's suggestions. The Department will prepare a draft of all the suggested changes to the Electrical Board Rules, and send it to the Board for their review and approval. The Board thanked Kelly for her suggestions and appreciated all her time she put into it. Discussion was held. No Motion Made.

Correspondence:

1. None.

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.

Test Results/Applications For Test(s):

1. Test Results. Lanny stated that in looking at the test results, the failure rate is about 50%. Lanny stated he will be doing some review on this and break it down per test, and even break it down as far as first time testers. Daryl stated that he would like to break it down as repeat testers, out-of-state testers verses are own apprentices, 2nd or 3rd time taking test, and how many local guys compared to out of state people. Steve Glenn asked if it was possible to find out why people are failing if they are come out of in-house programs? Daryl stated he didn't think the Department kept track of that. Doug Novotny stated that we should go by the percent for the master's test. Doug stated that he feels the master's test should be hard to pass. Daryl agreed that we need to keep a high standard for the master's test.

Open Discussion:

1. Rob Forister wanted to thank Lanny and Mike as to how the Electrical Division has been going. Rob stated he

thought even though the Department didn't have a Chief for a long time, the Division has continued to run very well. Lanny thanked Rob. Jim Holder commented that he hoped this administration stuck around for awhile.

Division Reports:

1. Mike Carlson stated that he was happy to hand the reins over to Kevin, and is glad that Kevin is onboard. Mike stated that in the interim period while he was there he wanted to thank everyone, including the Board and Department employees, for all their help to continue to keeping the Division running smoothly. Daryl stated he thought we have a really good team going.

Announcements:

1. Lanny announced that right after the meeting he needs to get a new group picture of the Board since the one taken in December didn't come out.

Next Scheduled Meetings:

1. The next scheduled meetings for the Board and Council will be:
August 2 -3 in Cheyenne (2nd – Council; – 3rd - Board)
December 6-7 in Casper (6th – Council; 7th Board)

Adjournment:

Jim Holder moved the meeting be adjourned. The motion was seconded by Dave Leinen, voted on and carried. The meeting was adjourned at 3:00 p.m.

APPROVED AS WRITTEN:

Daryl Orbeck, Chairman

James Holder, Secretary