

**NORTH DAKOTA STATE PLUMBING BOARD
MEETING MINUTES
February 6, 2024**

The North Dakota State Plumbing Board met on February 6, 2024 at 1:00 p.m., at the Bank of North Dakota, Hardmeyer Hall, 1200 Memorial Highway, Bismarck, ND. President Heather Jones presided.

Board members present were David Bruschwein – Department of Environmental Quality, Caleb Bulow – Professional Engineer, Jason Dirk – Journeyman Plumber (telephonically), Heather Jones – Consumer Member, and Luke Tillema – Master Plumber.

Staff members present were Brent Beechie – Executive Director/Chief Inspector and Kimberley Tomanek – Business Manager.

Also present was Mindy Piatz – Brady Martz & Associates, Lisa Westman – First District Health, Mary Korsmo – North Dakota Association of Counties/North Dakota State Association of City and County Health Officials, Chris Plante – City of Grand Forks, Jordan Singer – City of Mandan, Tom Schimelfenig – Schimelfenig Excavating, Terry Novak, Novak Backhoe, LLP, and Jeffrey Magrum – Magrum Excavating & Plumbing Company.

PRESENTATION OF THE 2022 AND 2023 AUDIT

President Jones called on Mindy Piatz from Brady Martz & Associates to present the 2022 and 2023 audit.

Mindy Piatz presented the findings and reports of the 2022 and 2023 North Dakota State Plumbing Board audit.

MINUTES

President Jones called for the consideration of the minutes of the September 21, 2023 board meeting.

MOTION: Mr. Tillema made a motion to approve the minutes of the September 21, 2023 meeting as received. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Dirk, Tillema, 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. Bruschwein made a motion to approve the financial statements as presented. Mr. Tillema seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Dirk, Tillema, and Jones voting in favor.

UNFINISHED BUSINESS

Policy for Communicating with Combative Licensees

President Jones called on Ms. Tomanek to discuss the proposed Policy for Communicating with Combative Licensees.

Ms. Tomanek explained that the proposed Policy for Communicating with Combative Licensees was revised after the June 2023 board meeting. The Board's attorney at that time, Mr. Amundson, advised that this type of policy is not disciplinarily enforceable against a license, therefore if a licensee did violate the policy, there is no enforcement. He also suggested a policy that outlines the steps staff is allowed to take in an event a licensee becomes combative. Ms. Tomanek went on to say that Mr. Amundson mentioned that only written communication with a licensee can be included in the policy, however, if a licensee does not follow the request, it cannot be held against a license. She concluded that the policy was revised according to the recommendations received by Mr. Amundson.

MOTION: Mr. Tillema made a motion to approve the Policy for Communicating with Combative Licensees as presented. Mr. Bulow seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Dirk, Tillema, and Jones voting in favor.

NEW BUSINESS

Occupational Licensure Study Questionnaire

President Jones called on Ms. Tomanek to present the Occupational Licensure Study Questionnaire.

Ms. Tomanek presented the Occupational Licensure Study Questionnaire. She indicated that the board office received a letter from Labor and Human Rights on August 15, 2023 with a copy of Senate Bill 2249, which is an act to create and enact a new chapter to Title 34 of the North Dakota Century Code, relating to the efficiency of administration or occupational boards; to provide a report to the legislative management; and to provide an effective date. On December 1, 2023 the office received the lengthy questionnaire. She completed the questions and is seeking approval from the Board before it is submitted. Ms. Tomanek ended by saying she would welcome any suggestions and feedback.

MOTION: Mr. Dirk made a motion to approve the Occupational Licensure Study Questionnaire as presented. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Dirk, Tillema, and Jones voting in favor.

Journeyman Plumber Application

President Jones called on Ms. Tomanek to talk about the Journeyman Plumber Application.

Ms. Tomanek said that Devin Goulet obtained his apprentice plumber license in 2013. In 2020, he completed and passed the journeyman exam. His license expired at the end of December 2022. She went on to say that Mr. Goulet submitted an application to reinstate his Journeyman license in January 2024, which indicated yes to the felony question. Ms. Tomanek stated that in January of 2020 Mr. Goulet was charged with felony Possession of a Controlled Substance - Schedule 1 Hallucinogenic, Unlawful Possession of Drug Paraphernalia Use SI, SII, SIII, and Unlawful Use of Drug Paraphernalia Use/Storage Marijuana or Tetrahydrocannabinol, which were closed as misdemeanors and an infraction. She added that In January 2022, Mr. Goulet was charged with felony Robbery, Reckless Endangerment – Extreme Indifference, Dangerous Weapon, and Terrorizing with a Dangerous Weapon – Adult Victim, and Conspiracy to Commit Burglary. Ms. Tomanek continued by saying that in July of 2022, Mr. Goulet was then charged with Possession of a Controlled Substance – Methamphetamine with a firearm, Possession of a Controlled Substance Fentanyl, with a firearm, and Unlawful Possession of Drug Paraphernalia. He was incarcerated for two years, was released in December 2023 and is on supervised probation until December 2025. She indicated that she requested a letter of explanation, and letters of support from his employer and probation officer. All of those items were received on January 31st. Ms. Tomanek also questioned whether or not Mr. Goulet should be required to complete the most current continuing education requirements if the license is reinstated. She explained that generally, if a license lapses for more than one year, the licensee has the option of taking the exam to become licensed again or pay all the license fees and late fees from the years not renewed. The most current Continuing Education Correspondence Course or online course must be completed as well, if it has been more than two years since a course was completed. If an exam is taken to become licensed again, that meets the requirements for completing continuing education.

There was some discussion among the board members about the application and timeline of events with the felony charges and convictions. It was the general consensus of the board to table the agenda item.

MOTION: Mr. Tillema made a motion to table the Journeyman Plumber Application to the June 18, 2024 meeting, to allow the applicant time to provide additional information. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschein, Bulow, Dirk, Tillema, 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 said that the first list contains new licenses that have been issued between September 1, 2023 and December 31, 2023 and the second list contains licenses that have been renewed between September 1, 2023 and December 31, 2023.

MOTION: Mr. Bruschwein made a motion to approve the new applications and license renewals between September 1, 2023 and December 31, 2023. Mr. Tillema seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Dirk, Tillema, and Jones voting in favor.

Certificates of Deposit

President Jones called on Ms. Tomanek to review the Certificates of Deposit.

Ms. Tomanek stated that there are two CDs at Edward Jones Investments. The first is in the amount of \$100,000 at a rate of 5.45%, which matures in November 2024. The other CD is in the amount of \$100,000 at a rate of 5.00%, which matures in March 2024. She requested direction on how the Board would like to proceed with the funds from the CD maturing in March 2024.

MOTION: Mr. Bruschwein made a motion to reinvest \$100,000 at the institution that offers the best return on the investment. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Tillema, and Jones voting in favor.

(Secretary's Note: The funds were reinvested at Edward Jones at a rate of 5.45% for 12 months)

REPORTS

Professional License Portability for Servicemembers and their Spouses

President Jones called on Mr. Beechie to discuss Professional License Portability for Servicemembers and their Spouses

Mr. Beechie explained that the U.S. Department of Justice issued a letter to notify State Licensing Authorities of a new provision in the Servicemembers Civil Relief Act (SCRA) about the portability of professional licenses for servicemembers and their spouses and went into effect on January 5, 2023. He added that the SCRA provides servicemembers and their dependents with certain financial and due process protections during military service. Mr. Beechie went on to say that the new provision allows servicemembers and their spouses to use their professional licenses and certifications in certain circumstances when they must relocate due to military orders. He ended by saying that the State of North Dakota and the North Dakota State Plumbing Board has been very proactive and accommodating towards service members and their spouses.

Reciprocity with the Texas Board of Plumbing Examiners

President Jones called on Mr. Beechie to review Reciprocity with the Texas Board of Plumbing Examiners.

Mr. Beechie indicated that he last corresponded by email with the Texas Board of Plumbing Examiners on January 24, 2024, which consisted of answering questions from Texas. He stated that he will wait to hear back from Texas.

North Dakota Onsite Wastewater Recycling Association Committee Update

President Jones called on Mr. Schimelfenig to provide an update in regards to the North Dakota Onsite Wastewater Recycling Association Committee Update.

Mr. Schimelfenig provided a copy of the Proposed Statewide Onsite Wastewater Code and presented the changes that had recently been made. He also provided an update on the North Dakota Onsite Wastewater Recycling Association Committee happenings. Mary Korsmo, Lisa Westman, and Jeffrey Magrum also shared their thoughts on the matter.

It was the general consensus of the Board that a letter should be requested from the Office of Attorney General for interpretation of who has the authority for Onsite Wastewater Treatment Systems.

(Secretary's Note: The letter was requested from the Office of the Attorney General on February 20, 2024).

Inspectors and Attendees from Local Jurisdictions

President Jones called on Brent Beechie – North Dakota State Plumbing Board, Chris Plante – City of Grand Forks, and Jordan Singer – City of Mandan 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

2024 Board Meeting Schedule

President Jones announced the next board meetings will be held in June and September 2024.

ADJOURNMENT

The meeting adjourned at 3:03 p.m., to meet again on June 18, 2024 for a regular meeting.

Attest Kimberly Tomaneck

Carol R...
Professional Engineer

A. J. B...
Department of Environmental
Quality

[Signature]
Master Plumber

[Signature]
Journeyman Plumber

[Signature]
Consumer Member