

**NORTH DAKOTA STATE PLUMBING BOARD
MEETING MINUTES
June 18, 2024**

The North Dakota State Plumbing Board met on June 18, 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, Heather Jones – Consumer Member, and Luke Tillema – Master Plumber.

(Secretary's Note: Board member, Jason Dirk – Journeyman Plumber, resigned from the Board on June 10, 2024.)

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

Also present were Chris Plante & David Slominski – City of Grand Forks, Jordan Singer – City of Mandan, Tom Schimelfenig – Schimelfenig Excavating, and Nathan Svihovec – North Dakota Department of Labor & Human Rights.

OCCUPATIONAL LICENSING BOARD QUESTIONNAIRE DISCUSSION WITH LABOR COMMISSIONER

President Jones called on Nathan Svihovec from the North Dakota Department of Labor & Human Rights to discuss the Occupational Licensing Questionnaire.

Mr. Svihovec explained why the questionnaire was created and asked for clarification on some of the answers. There was some discussion among Mr. Svihovec, board members, and staff about the questionnaire.

MINUTES

President Jones called for the consideration of the minutes of the February 6, 2024 board meeting.

MOTION: Mr. Tillema made a motion to approve the minutes of the February 6, 2024 meeting as received. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, 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, Tillema, and Jones voting in favor.

UNFINISHED BUSINESS

Journeyman Plumber Application

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

Ms. Tomanek said Devin Goulet was first registered as an apprentice plumber in 2013. In 2020, he passed the journeyman plumber exam. His license expired on December 31, 2022. She went on to say that starting in January 2022, Mr. Goulet had several charges. He was incarcerated for two years, was released in December 2023, and is on supervised probation until December 2025. A letter was received from Mr. Goulet, his employer, and his probation officer. Ms. Tomanek stated that the application was tabled at the February meeting to allow time for clarification on the charges that occurred while Mr. Goulet was incarcerated. Mr. Goulet and his probation officer confirmed there are two individuals with the same name and birthdate residing in North Dakota. She concluded by saying Mr. Goulet did attend one of the 2024 North Dakota State Plumbing Board Continuing Education Sessions in March and his continuing education requirements have been met.

There was some discussion among the board members about the application.

MOTION: Mr. Bruschwein made a motion to reinstate the Journeyman Plumber license, with the condition that any future criminal offenses be reported by the applicant, employer, and probation officer to the North Dakota State Plumbing Board. Mr. Tillema seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Tillema, and Jones voting in favor.

(Secretary's Note: The Board took a five-minute break)

NEW BUSINESS

Journeyman Plumber Application

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

Ms. Tomanek explained that Toby Rath passed the journeyman plumber exam in 2008. His license expired on December 31, 2015. She said that the office received an application to reinstate Mr. Rath's Journeyman Plumber license in April 2024, where he answered yes to the felony question and provided an explanation. Ms. Tomanek added that a letter was mailed and emailed to Mr. Rath and his employer requesting further information on eight charges.

She went on to say he submitted a letter of explanation and letters of support were received from Mr. Rath's employer and parole officer. It appears Mr. Rath spent time incarcerated, will be on parole until 2026, and then will be on probation for an additional year.

There was some discussion among the board members about the application. The consensus of the board is to issue Mr. Rath a 5th Year Apprentice Plumber license since it has been nine years since his journeyman license expired and he has completed continuing education.

MOTION: Mr. Tillema made a motion to issue Mr. Rath a 5th Year Apprentice Plumber license, with the condition any future criminal offenses be reported by the applicant, employer, and probation officer to the North Dakota State Plumbing Board; and Mr. Rath is eligible to take the journeyman plumber exam. Mr. Bulow seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Tillema, and Jones voting in favor.

Apprentice Plumber Application

President Jones called on Ms. Tomanek to discuss the 1st Year Apprentice Plumber Application.

Ms. Tomanek stated the office received Daniel St. Clair's apprentice plumber application in April 2024 with the felony question marked no. She said that after searching the public court cases in North Dakota and Minnesota, a Fugitive from Justice charge in 2019 in North Dakota was listed. There is also Assault 3rd Degree – Substantial Bodily Harm in 2018 and Burglary 2nd Degree in 1992 in Minnesota. Ms. Tomanek stated that she emailed and mailed a copy of the application to Daniel and his employer, along with copies of the charges found to request that Daniel correct the application, provide a letter of explanation, and letters of support from his employer and a probation or parole officer. She ended by saying that Mr. St. Clair or his employer have not made contact after several attempts to make contact with Mr. St. Clair.

There was some discussion among the board members about the application.

MOTION: Mr. Tillema made a motion to deny the 1st Year Apprentice Plumber Application, however, Mr. St. Clair can reapply when the required information can be provided. Mr. Bulow seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Tillema, and Jones voting in favor.

Apprentice Plumber Application

President Jones called on Ms. Tomanek to go over the 1st Year Apprentice Plumber Application.

Ms. Tomanek explained that Elijah Andel first applied as an apprentice plumber in 2018. He disclosed a Theft of Property conviction in ND which happened in 2014. She said that the license was issued and then lapsed in December 2019. In June 2024, the office received an application from Mr. Andel Elijah to reinstate his 1st Year Apprentice Plumber license. Ms. Tomanek indicated that he answered yes to the felony question again and provided a very brief explanation. She said there is a Drugs – 3rd Degree – Possession –

Methamphetamine/Amphetamine in School/Park/Public Housing Zone in May 2021 in Minnesota, a Drugs – Possession of Drug Paraphernalia – Use or Possession Prohibited in May 2021 in Minnesota; and a Drugs – 5th Degree – Possession Schedule 1, 2, 3, 4 – Not Small Amount Marijuana in May 2021 in Minnesota. Ms. Tomanek said there is also an Unlawful Possession of Drug Paraphernalia – Use – SI, SII, SIII, Possession of Controlled Substance – Methamphetamine in June 2020 in North Dakota; Criminal Trespass – Dwelling Unlawful Possession of Drug Paraphernalia – Use – SI, SII – 2nd Offense in August 2020 in North Dakota; a Theft – Possession - \$10,000-\$50,000, Possession of Controlled Substance – Methamphetamine 2nd Offense, Attempt to Tamper with Physical Evidence, False Information to Law Enforcement, Criminal Mischief – Willful Damage – Reckless \$2,000-\$10,000 or Intentional \$100-\$2,000, Refusal to Halt in June 2021 in North Dakota; and a Simple Assault, Theft – Take Under \$500 – 1st Offense in April 2023 in North Dakota. She added that a letter was mailed and emailed to Elijah and his employer requesting a letter of explanation; and letters of support from his employer and probation officer, if any. Ms. Tomanek concluded by saying all the requested information was received. Mr. Andel indicated that he completed all jail time, paid the fines, and appears to be on probation until October 2028.

There was some discussion among the board members about the application.

MOTION: Mr. Bruschwein made a motion to reinstate the 1st Year Apprentice Plumber license, with the condition any future criminal offenses be reported by the applicant, employer, and probation officer to the North Dakota State Plumbing Board, through the term of Mr. Andel’s probationary period. Mr. Tillema seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Tillema, and Jones voting in favor.

Proposed Felony Information Form

President Jones called on Ms. Tomanek to present the proposed Felony Information Form.

Ms. Tomanek said that she created the form to make applications with criminal charges easier for the applicant because all the requirements are listed with a checklist. She added that having a standard form will make reviewing applications more efficient.

There was some discussion about the proposed felony information form and some amendments were suggested.

MOTION: Mr. Tillema made a motion to approve the proposed Felony Information Form as amended. Bulow seconded the motion for more discussion.

There was more discussion about the proposed felony information form and staff will reach out to licensees who have completed the process for their input about the proposed form. It will also be sent to the Board's general counsel for review.

AMENDED MOTION: Mr. Tillema amended the motion to approve the proposed Felony Information Form as amended, for staff to reach out to licensees

who have completed the process for their input about the proposed form, and the form will be sent to the Board's general counsel for review. Bulow seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Tillema, and Jones voting in favor.

Approval of New Applications and License Renewals

President Jones called on Ms. Tomanek to review the list of new applications and license renewals.

Ms. Tomanek said that the first list contains new licenses that have been issued between January 1, 2024 and May 31, 2024 and the second list contains licenses that have been renewed between January 1, 2024 and May 31, 2024.

MOTION: Mr. Tillema made a motion to approve the new applications and license renewals between January 1, 2024 and May 31, 2024. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Tillema, and Jones voting in favor.

Plumbing Installation Homeowner Certificates

President Jones called on Mr. Beechie to talk about Plumbing Installation Homeowner Certificates.

Mr. Beechie asked the board members how to handle the requests of multiple homeowner certificates from the same individual.

There was some discussion about the possibility of multiple homeowner certificates from the same individual. The consensus is to review homeowner certificates from the same individual on a case-by-case basis if it becomes a pattern.

North Dakota State Plumbing Board Succession Planning

President Jones called on Mr. Beechie to discuss the North Dakota State Plumbing Board Succession Planning.

Mr. Beechie announced that he will retire on August 31, 2025. He recommends that the Board begin succession planning discussions. The topic will be added to upcoming meeting agendas.

APPROVAL OF THE 2023-2024 BUDGET

President Jones called on Ms. Tomanek to present the Fiscal Year Budget from July 1, 2024 to June 30, 2025.

Ms. Tomanek presented the Fiscal Year Budget from July 1, 2024 to June 30, 2025 for approval without a salary increase for board staff. She explained that with increased expenses and declining revenues, the Board may want to consider increasing Plumbing Installation Certificate fees. The last time certificate fees increased was in 2016.

There was a discussion about the overall budget, certificate fees, and salary increases for board staff.

MOTION: Mr. Tillema made a motion to increase the issuing certificate fee to \$125 and the price per fixture to \$15. Mr. Bruschwein seconded the motion for more discussion.

AMENDED MOTION: Mr. Tillema made a motion to increase the issuing certificate fee to \$125 and the price per fixture to \$15, effective October 1, 2024, and to approve a 4% salary increase for all board staff. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Tillema, and Jones voting in favor.

MOTION: Mr. Tillema made a motion to approve the 2024-2025 Fiscal Year Budget as amended. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Bulow, Tillema, and Jones voting in favor.

(Secretary's Note: Jordan Singer left the meeting.)

REPORTS

Board Terms

President Jones called on Ms. Tomanek to go over Board Terms.

Ms. Tomanek stated that Mr. Tillema was reappointed for another four-year term. She announced that that Mr. Dirk resigned as of June 11, 2024. The vacancy to complete his term, which expires in 2025, is already posted on the Governor's website and the Board's website. According to NDCC 43-18-02, "All of the appointment members must have been residents of this state for at least five years immediately preceding their appointment. The journeyman plumber also must have at least five years' experience in North Dakota. Any applications for appointment must be submitted to the Office of the Governor through the online application process.

Board General Counsel

President Jones called on Ms. Tomanek to discuss the Board's General Counsel.

Ms. Tomanek indicated that as of April 18, 2024, Stephen Hanson is the new general counsel for the Board. He replaced Josh Amundson.

Attorney General's Interpretation Regarding Private Sewage Disposal Systems

President Jones called on Mr. Beechie to provide an update about the Attorney General's interpretation regarding North Dakota Sewage Disposal Systems.

Mr. Beechie said that the interpretation was requested in February 2024. A follow-up email was sent in April 2024. He said that the interpretation has not been received.

Inspectors and Attendees from Local Jurisdictions

President Jones called on Brent Beechie & Scott Samuelson – North Dakota State Plumbing Board and Chris Plante & David Slominski – City of Grand Forks 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 meeting will be held on September 12, 2024 at 10:00 am at the Grand Hotel in Minot, in conjunction with the ND Association of Plumbing, Heating, & Mechanical Contractors Convention.

The meeting adjourned at 4:15 p.m., to meet again in September 2024 for a regular meeting.

Attest Kimberly Tomaker

Caleb Paul
Professional Engineer

D. J. Berlin
Department of Environmental
Quality

John [Signature]
Master Plumber

[Signature]
Journeyman Plumber

[Signature]
Consumer Member