

**NORTH DAKOTA STATE PLUMBING BOARD
MEETING MINUTES
June 30, 2020**

The North Dakota State Plumbing Board met on June 30, 2020 at 1:00 p.m., at the North Dakota Heritage Center, 612 E Boulevard, Bismarck, ND. President Heather Jones presided.

Board members present were David Bruschwein – Department of Environmental Quality, Jason Dirk – Journeyman Plumber, Dean Eman – Master Plumber, Jim Fristad – Mechanical Engineer (via Zoom) and Heather Jones – Consumer Member.

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

Also present was Brady Blaskowski – City of Bismarck.

MINUTES

President Jones called for the consideration of the minutes of the February 6, 2020 board meeting.

MOTION: Mr. Bruschwein made a motion to approve the minutes of the February 6, 2020 meeting as received. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman, Fristad and Jones voting in favor.

YEAR-TO-DATE FINANCIAL STATEMENTS AND BUDGET

President Jones called on Ms. Tomanek to go over the financial statements and budget.

Ms. Tomanek reviewed the financial statements and budget.

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

2020-2021 FISCAL YEAR BUDGET

President Jones called on Ms. Tomanek to present the Fiscal Year Budget from July 1, 2020 to June 30, 2021.

Ms. Tomanek presented the Fiscal Year Budget from July 1, 2020 through June 30, 2021 for approval with the proposed state mandated salary increase of 2.5% for all board staff.

There was discussion in regards to the overall budget and salary increases for board staff.

MOTION: Mr. Eman made a motion to approve 2020-2021 Fiscal Year Budget as presented with a 2.5% salary increase for all board staff. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman, Fristad and Jones voting in favor.

OLD 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 reinvest the funds at the banking institution that offers the best return on the investment. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman, Fristad and Jones voting in favor.

License Issuance Policy – Track 2

President Jones called on Ms. Tomanek to review the proposed License Issuance Policy – Track 2.

Ms. Tomanek explained that at the February meeting, the Board approved Track 1 – Easy Applications, which states that all licenses issued and renewed, be ratified and approved by the full Board at its next regular meeting. She continued by saying that it was also 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 the next regular meeting for review and approval. Ms. Tomanek went on to say that policy has also been implemented. The only part of the license issuance policy that has not been decided upon is the Track 2 – Applications that raise questions or concerns that require discretion on whether to issue a license. She ended by saying that on May 28th, all the board members were emailed all of the minutes from February’s meeting, along with any minutes where the felony topic has been discussed.

There was a brief discussion among the board members about the Track 2 – Applications that raise questions or concerns that require discretion on whether to issue a license and the general consensus is this is currently how Track 2 Applications are being handled.

MOTION: Mr. Bruschwein made a motion to approve Track 2 – Applications that raise questions or concerns that require discretion on whether to issue a license as a policy. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman, Fristad and Jones voting in favor.

Master Plumber License Renewal

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

Ms. Tomanek said that the license renewal for Shawn Ellingson was presented at the February meeting and tabled to the June meeting because Mr. Ellingson was still incarcerated at the time of the meeting. Mr. Ellingson was most recently licensed as a Master Plumber who renewed as a Journeyman. She went on to say that he 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 added that his license was renewed in February 2018. She explained that the board 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. Ms. Tomanek continued by saying that Mr. Ellingson was then convicted of Unlawful Possession of Drug Paraphernalia in March 2019 and 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. She indicated that Mr. Ellingson was at the James River Corrections Center in Jamestown, but according to the state inmate search, he is no longer incarcerated. Ms. Tomanek ended by saying that page four of the agenda packet is a copy of the letter that was mailed to Mr. Ellingson on June 9, 2020 requesting letters of support from his parole officer and current employer. The office has not received the requested letters from Mr. Ellingson.

There was a brief discussion among the board members about the renewal application.

MOTION: Mr. Fristad made a motion to table the Master Plumber license renewal item until letters of support are received from Mr. Ellingson's parole officer and current employer; and to provide a letter stating the same to Mr. Ellingson.

The motion failed for lack of a second.

There was further discussion among the board members about the renewal application.

MOTION: Mr. Fristad made a motion to table the Master Plumber license renewal item until letters of support are received from Mr. Ellingson's parole officer and current employer; and to provide a letter stating the same to Mr. Ellingson, along with encouraging reapplication once the requirements have been met. Mr. Eman seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman, Fristad and Jones voting in favor.

NEW BUSINESS

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 contains licenses that have been issued between February 1, 2020 and May 31, 2020 and the second list contains licenses that have been renewed between February 1, 2020 and May 31, 2020.

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

Apprentice Plumber Application

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

Ms. Tomanek stated the board office received Gabriel Martin's 1st Year Apprentice Plumber application on February 24, 2020. Mr. Martin checked the felony box and was convicted of child abuse on July 28, 2011. She explained that he was sentenced to 120 months incarceration and 36 months of supervised probation, but was released in August 2019 and is currently on probation. Ms. Tomanek concluded by saying that Mr. Martin submitted a letter of explanation, and also letters of support from his employer, Northern Plains Plumbing, Heating & Air; and his parole officer.

There was discussion among the board members about the application.

MOTION: Mr. Fristad made a motion to approve Gabriel Martin's 1st Year Apprentice Plumber application with the condition that any future criminal offenses be reported by the employer and probation officer to the North Dakota State Plumbing Board. Mr. Bruschwein seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman, Fristad and Jones voting in favor.

License Fee Increase

President Jones called on Mr. Beechie to review the proposed License Fee Increase.

Mr. Beechie explained that he is proposing to go through legislation to increase license fees for plumbers. The increase would be \$35.00 for Master Plumbers, \$25.00 for Journeyman Plumbers and \$10.00 for 1st - 5th Year Apprentices. He went on to say that the last time that license fees were increased was at least 28 years ago. Mr. Beechie concluded by saying that by increasing the licensing fees is a way to produce a more balanced budget. The proposed fee increases would generate approximately \$50,000.00 per year.

There was discussion among the board members and staff about the proposed license fee increase.

MOTION: Mr. Eman made a motion to approve drafting a proposed bill to increase plumber license fees as presented. Mr. Dirk seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman, Fristad and Jones voting in favor.

Chief Inspector Title Change

President Jones called on Mr. Beechie to review the proposed Chief Inspector Title Change.

Mr. Beechie indicated that he is proposing to go through legislation to change the title from Chief Inspector to Executive Director, which would remove the requirement of being a Master Plumber to manage the board office. He said that the majority of boards and commissions have an Executive Director position as the managing staff person.

MOTION: Mr. Dirk made a motion to approve drafting a proposed bill to change Chief Inspector Title to Executive Director as presented. Mr. Eman seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman, Fristad and Jones voting in favor.

REPORTS

2018 North Dakota Plumbing Code

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

Mr. Beechie announced that all the necessary steps have been completed and the official code for North Dakota is the 2018 North Dakota Plumbing Code based on the 2018 Uniform Plumbing Code.

2020 North Dakota Continuing Education Sessions

President Jones called on Mr. Beechie to discuss the 2020 North Dakota State Plumbing Board continuing education sessions.

Mr. Beechie stated that the sessions scheduled in March for Bismarck and Fargo were cancelled in April 2020, but were rescheduled to October 2020. He added that if the pandemic prevents sessions from being held in October, he would report that information at the next board meeting.

North Dakota Continuing Education Session Approval for Montana

President Jones called on Ms. Tomanek to explain the North Dakota State Plumbing Board continuing education session approval with the Montana State Plumbing Board.

Ms. Tomanek indicated that Montana State Plumbing Board approved the 2020 North Dakota State Plumbing Board Continuing Education Sessions, therefore North Dakota licensees who completed continuing education in North Dakota can receive credit towards requirements for Montana.

Possible Special Meeting During the 2021-2022 Legislative Session

President Jones called on Ms. Tomanek to talk about a possible special meeting during the 2020-2021 legislative session.

Ms. Tomanek explained that if there are any legislative bills that the Board would like to testify for or against the topic will have to be voted on by the Board before any testimony is given by staff, which could result in a special meeting during the 2020-2021 legislative session.

Board Member Appointments

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

Ms. Tomanek announced that Mr. Eman's board appointment for another four-year term has been approved. She added that Mr. Dirk's term is next to expire on June 30, 2021.

Inspectors and Attendees from Local Jurisdictions

President Jones called on Brady Blaskowski – City of Bismarck and Scott Samuelson and Brent Beechie – North Dakota State Plumbing Board 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

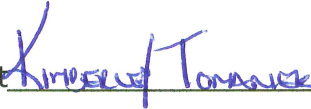
October Inspector and Board Meeting

President Jones announced the next board meeting will be held on October 20, 2020. An Inspector meeting may also be held.

ADJOURNMENT

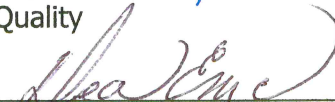
MOTION: Mr. Bruschwein made a motion to adjourn the meeting. Mr. Eman seconded the motion and it was unanimously approved with board members Bruschwein, Dirk, Eman, Fristad and Jones voting in favor.

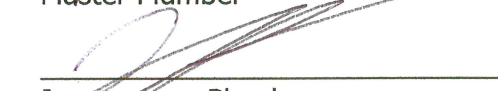
The meeting adjourned at 2:40 p.m., to meet again on October 20, 2020 for a regular meeting.

Attest 


Mechanical Engineer


Department of Environmental
Quality


Master Plumber


Journeyman Plumber


Consumer Member