

FINAL
State of Oregon

Electrical and Elevator Board

Meeting minutes
July 26, 2007

Members present: Lowell Arno, Chairman
Michael Casley
James Fahey
Thomas Faires
James Johnston
Thomas Lindberg
Daniel Maher
Michael Miner
Tim Nicol
Craig Perkins
Nolan Shefstad

Members absent: Douglas Aljets, Vice-chairman
Michael Broomfield
Sherry Sherman
Bruce Soihr

Staff present: Mark Long, administrator
Patrick Allen, interim deputy administrator

Andrea Simmons, policy and technical services manager
Dennis Clements, chief electrical inspector
Grant Zadow, assistant chief electrical inspector
Twyla Knowles, enforcement and licensing interim manager
Robert Salinas, enforcement and licensing assistant manager
Chris Huntington, policy analyst
Celina Patterson, policy analyst
Brent Griffiths, enforcement officer
Paul Persson, enforcement officer
Nathan Philips, project manager
Debi Barnes-Woods, boards coordinator

Guests present: Warren Shill, Underwriters Laboratories
Eric Mahaffy
Ken Fry, Executive Director NECA/IBEW
Mark Stenberg, Local 290
John Killin, IEC
Deb Marinos, Applied Electrical Training

I. Board business

A. Call to order

Chairman Lowell Arno called the Electrical and Elevator Board meeting to order at 9:30 a.m. The meeting was held at the Building Codes Division, Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

B. Roll call

Vice-chair Douglas Aljets, Mike Broomfield, Sherry Sherman and Bruce Shoir were absent excused.

C. Approval of agenda and order of business

The following changes were made to the agenda and the order of business:

- 1.) Agenda items III.C and III.C.1 were heard before III.A and B
- 2.) [Agenda Item VII was withdrawn](#)

Chairman Arno **RULED** the agenda and order of business approved as amended.

D. Approval of board meetings minutes:

- 1.) March 22, 2007 regular board meeting minutes
- 2.) June 13, 2007 special teleconference board meeting minutes

Chairman Arno **RULED** the board meeting minutes approved.

E. Date of the next regularly scheduled meeting

September 27, 2007

II. Public comment

Ken Fry, Executive Director NECA/IBEW, Vice-chair of the Oregon State Apprenticeship and Training Council, discussed a reciprocity committee meeting concerning reciprocity with Washington and Montana. He reported that recent reciprocal standards may have been rejected due to issues pending with the State of Idaho. He urged the board to keep open dialogue between Oregon and Washington about electrical licensing issues of registered apprentices.

III. Reports

(Order of business amended; III.C and III.C.1 heard before III.A and B)

Chairman Arno announced that the board would meet in executive session under ORS 192.660(2)(f) and (h).

(Break to clear room for executive session)

- C. Executive session to consult with legal counsel regarding current litigation and/or consider records exempt from public inspection, under the Public Records Law. ORS 192.660(2)(f) and (h)**

(Break to allow audience to be seated)

- 1. Final Order in the matter of Marca Electric, Inc.**

Motion by Tom Lindberg to approve the Final Order presented to the board today, July 26, 2007 concerning Marca Electric Inc., an Oregon corporation.
Motion carried unanimously

Motion by Tom Lindberg for the division to prepare a Cease and Desist Order on the basis of facts found in the ALJ's proposed order, ordering Mr. Gerald Marca to cease and desist from performing any electrical installations.
Motion carried unanimously

Amended motion by Tom Lindberg to include Marca Electric Inc. in the Cease and Desist Order.

Motion carried unanimously

A. Building Codes Division administrator's report

Administrator of Building Codes Division, Mark Long, introduced Pat Allen, interim deputy administrator; Robert Salinas, enforcement and licensing assistant manager; and announced that Ron Crabtree is the chief elevator inspector, effective July 1, 2007.

B. Legislative update

[Building Codes Division \(BCD\) update](#)

Manager of Policy and Technical Services Andrea Simmons provided the board the BCD Update packet, which includes information on BCD accomplishments and a contact help sheet with phone numbers and e-mail addresses of BCD staff that are assigned to specific program areas.

In May 2005, BCD launched an e-permitting pilot project known as [Quick Permits](#). In May 2007, the Oregon Legislature passed and Governor Kulongoski signed HB 2405, which allows for implementation of a fully interoperable, statewide e-permitting system designed to save businesses and government time and money. The statewide e-permitting program will be funded through a four percent permit surcharge beginning January 1, 2008.

The Building Codes Division is working closely with government and industry to develop and maintain a strong consumer protection program (Permits Protect) with a consistent message that increases awareness of the benefits of acquiring permits and using licensed contractors. www.PermitsProtect.info.

With the adjournment of the Oregon Legislature, Manager Simmons discussed the "Summary of Rulemaking and Other Projects." The bills listed directly impact the division:

HB 2473 eliminates obsolete licenses and reduces to two years the specialized experience required to become a licensed stage or sign electrician and reduces to three years the experience required to become a Class A electrician. A rule advisory committee will be formed to review electrical licensing standards. The new rules have an anticipated effective date of January 2008.

HB 2478 provides the department with the authority to establish standard uniform permit, inspection, and certificate of occupancy requirements throughout the state. The bill also places a three-year moratorium on certain program assumptions by jurisdictions.

HB 2548 allows the department to establish two new licenses allowing holders to install, alter, repair, and maintain the mechanical portions of equipment known as "reciprocating conveyors."

HB 2219 is a direct result of the board Chair/Vice-chair group. Provisions of this bill facilitate greater consistency and clarity in the licensing procedures of the division while making no changes to the licensing requirements. This bill completes the work begun by HB 2181 in the 2005 session.

SB 192 enhances the enforcement authority of Building Codes Division and the various licensing boards. It allows the division or a board to deny, suspend, revoke, or refuse to renew a license issued by BCD for specified violations. It also improves the cooperation between the two agencies that regulate construction by clarifying that sanctions imposed by BCD may provide grounds for sanctions by the Construction Contractors Board.

Manager Simmons indicated that the bills can be viewed on the [division Web site](#) as well as on the [Legislative Web site](#).

Code review committee: Manager Simmons said that the electrical code committee has not been appointed. The division is waiting for the national publication of the document to review. The administrative provisions and the definitions will be aligned with all other program areas to gain consistency.

Specialty code activity: The division is currently focusing on the three codes that are slated to become effective April 1, 2008: electrical, plumbing and residential.

- C. Summary of enforcement actions resolved by division for cases 1 through 27, outlined on the enforcement board report. (No board action required)**
Enforcement Officer Paul Persson discussed case #2007-0117, Walter Steinbrook, aka Rick Steinbrook – an individual. Mr. Steinbrook committed multiple violations without proper licensure and without permits. Because of the respondent's violation history, maximum penalties were assessed totaling \$25,000.

Enforcement updates:

Twyla Knowles, enforcement and licensing interim manager, reported two vacancies in the section. Interviews start next week with the hopes of having the positions filled by September.

[Final Orders \(http://www.bcd.oregon.gov/final_orders/FO_by_name.html\)](http://www.bcd.oregon.gov/final_orders/FO_by_name.html) are now posted on the division's Web site.

The division has entered into a contract with the National Electrical Contractors Association to cover site checks in the Mid-Willamette Valley and the southern Oregon region to increase enforcement efforts.

Ms. Knowles reported that an upcoming multi-agency enforcement sweep will occur as part of building a stronger enforcement presence statewide. Several electrical licenses will be up for renewal October 1, 2007. The renewal letters will be generated in August.

Plans to update the continuing education calendar on the division's Web site are in the works. Licensees will have the opportunity to click on an approved provider and register for a desired course.

D. Program updates

Electrical update: Dennis Clements, chief electrical inspector, reported that the Selective Coordination Task Force has met twice and is planning another meeting in August. The goal is to summarize selective coordination issues prior to the first meeting of the Oregon Electrical Specialty Code Review Committee.

Chief Clements announced Grant Zadow has accepted the position of Assistant Chief Electrical Inspector for the State of Oregon.

Elevator update: Chief Clements announced Ron Crabtree as the Elevator Chief and Tom Coyle continues to serve as the Assistant Elevator Chief.

IV. Communications

A. Update on HB 2180 Phase 2 inspection frequency implementation

Celina Patterson, policy analyst, reported on the continuing implementation of HB 2180. Phase 1, implemented in October 2006, moved some elevator equipment onto a 2-year inspection cycle. The [board previously approved Phase 2](#), which moves a few elevators onto a 3-year inspection cycle. This change will be implemented in October 2007.

B. Letter received from Eric Mahaffy about concerns with the supervising electricians exam

Mr. Mahaffy requested the opportunity to address the board regarding his concerns with the general supervising electrician's exam. He submitted a letter, and handed out [additional information](#) prior to the start of the board meeting.

Mr. Mahaffy began by saying that the test contains "potential issues that might end up being used by some people that are trying to shut-down some of the licensing processes." He said his primary concerns are "that there does not seem to be transparency or accountability for the general supervising electrician's test."

Chairman Arno said that the supervising electrician's license is the highest level for electricians in the State of Oregon. The qualifications that must be met for this license are equal to an electrical engineer. He added that the test questions are reviewed on a regular basis.

Nathan Philips, project manager for Building Codes Division, commented on Mr. Mahaffy's concerns. He first explained that several years ago an exam validation committee was appointed consisting of electrical contractors, supervising electricians, an electrical inspector, an electrical engineer, and the Chief Electrical Inspector for the State of Oregon. The committee reviewed each question for its validity and accuracy. All errors and ambiguities have been corrected and the test continues to be reviewed on a regular basis.

Mr. Philips reviewed and answered each of Mr. Mahaffy's questions with a detailed answer. The questions related to the exam's validity, passing rate, development and whether or not there is an exam review process in place.

Tim Nicol asked if the board or division had the authority to require retesting of the general electrician's exam if an applicant was to turn in a substandard supervisor exam.

Manager Simmons said that the division or the board does not have the ability to require retesting. She added that part one of the supervisor exam consists of the same type of questions contained in the general journeyman's exam.

V. Appeals – None

VI. Unfinished business

Board reviews new information on the reciprocity agreement with the State of Idaho

Manager Simmons explained that at the March 22, 2007 Electrical and Elevator Board meeting, a motion was passed directing the division to request a copy of the exam from Idaho with the understanding that failure to provide the exam may result in cancellation of the reciprocal exam agreement. Idaho's Division of Building Safety responded that its master electrician exam is nationally recognized and its exam is reviewed and administered by the International Code Council (ICC). Idaho indicated that ICC would contact Oregon to arrange an exam review of the Idaho master electrician exam bank.

Chairman Arno directed the division to proceed with communications with ICC to coordinate an opportunity for exam review of the Idaho master electrician exam. He added that if ICC does not respond, further action may be taken by the board.

VII. New business

(This Agenda Item was withdrawn)

Consideration of alternate verification in the matter of Marty J Behrman

VIII. Announcements

Electrical Program Presentations will be held in Tangent and Redmond in September. Classes for November are listed below.

The BCD electrical chief will be presenting information on Rule and Law, Wiring Methods, and Common Misconceptions Part III at the following locations, dates and times:

- Thursday, November 1, 2007, 1 p.m. – 5 p.m., City of Ashland, Community Development Center, 51 Winburn Way, Ashland OR 97520
- Tuesday, November 13, 2007, 4 p.m. – 8 p.m., Multnomah County Office Building, 501 SE Hawthorne Ave, Portland OR 97232

IX. Adjournment

Chairman Lowell Arno adjourned the meeting at 11:55 a.m.

Respectfully submitted by,

Debi Barnes-Woods
Boards Coordinator