

**FINAL
State of Oregon**

Agenda Item I.D.

Electrical and Elevator Board

Meeting minutes
September 27, 2007

- Members present:** Lowell Arno, Chairman
Douglas Aljets, Vice-chairman
Michael Broomfield
James Fahey
Thomas Faires
James Johnston
Thomas Lindberg
Daniel Maher
Tim Nicol
Craig Perkins
Sherry Sherman
Bruce Soihr
- Members absent:** Michael Casley
Michael Miner
Nolan Shefstad
- Staff present:** Mark Long, administrator
Patrick Allen, deputy administrator
Andrea Simmons, policy and technical services manager
Dennis Clements, chief electrical inspector
Grant Zadow, assistant chief electrical inspector
Jon Hills, enforcement and licensing manager
Twyla Knowles, policy and technical services assistant manager
Robert Salinas, enforcement and licensing assistant manager
Chris Huntington, policy analyst
Celina Patterson, policy analyst
Health Lawson, enforcement officer
Tania Klaus, enforcement officer
Nathan Philips, consultant
Debi Barnes-Woods, boards coordinator
- Guests present:** Warren Shill, Underwriters Laboratories
David Roshak, City of Portland
Ken Riggs, Genesis Home Technologies
Joe Esmonde, IBEW #48
Karen Dale, Oregon Apprenticeship and Training Division
Gary Lile, City of Gresham
Lule Koomen, City of Bend
Timmy Tanninen

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

Michael Casley, Michael Miner and Nolan Shefstad were all absent excused.

C. Approval of agenda and order of business

Agenda item VII.B. was removed from the agenda: Consideration of alternate verification in the matter of Gary Fitzgerald.

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

D. Approval of board meetings minutes of July 26, 2007

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

E. Date of the next regularly scheduled meeting

November 29, 2007

II. Public comment - None

III. Reports

A. Building Codes Division administrator's report

Administrator of Building Codes Division Mark Long discussed the [BCD's Update](#) information packet. He highlighted the Oregon eBuilding Permits project. In May 2007, the Oregon Legislature passed HB 2405 and Governor Kulongoski signed the bill allowing for the implementation of a fully interoperable, Statewide electronic-permitting system designed to save business and government time and money. Beginning January 1, 2008, surcharges on all permit fees and hourly inspection increase by 4%. The increase will defray the cost of developing and administering the Oregon eBuilding Permits system. Quick Permits, an electronic-permitting program that began in the Portland tri-county area in 2003, is now efficiently providing over-the-counter plumbing, mechanical, and electrical permits in over eighteen jurisdictions with the division actively recruiting twelve more throughout Oregon. Now with the passage of HB 2405, Oregon is the first state in the nation to offer contractors - anywhere in Oregon - one-stop services such as obtaining permits and scheduling inspections. The law is part of Governor Kulongoski's regulatory streamlining initiative.

Administrator Long briefly discussed other items of interest such as program assumption and code adoption. He also discussed regulatory issues around sustainability, development and redevelopment of historic areas, and workforce development.

B. Summary of enforcement actions previously taken by the division for cases 1 through 45 outlined on the enforcement board report. (No board action required)

Enforcement Officer, Heath Lawson gave a brief summary of enforcement action against Federal Security, Inc., an unlicensed contractor. The division's first contact with Federal Security was in 2001. At that time the company had a license, but they failed to obtain a permit for an installation in Albany. That case was settled with a consent order in June 2002. Then in April of 2003, despite the company's lapsed license, it made installations at a high school, day spa, and a market resulting in 5 cases, which the division combined into one case. The violations included an unlicensed contractor and failure to obtain electrical permits, and unlicensed individuals performing electrical installations, which resulted in a \$15,750 civil penalty.

Then between November 2005 and January 2006, the company made an installation without a contractors license or permit in Corvallis. The company also submitted an application to the division for a contractors license, which included a supervisors name that did not work for the company during any of these installations. The application was denied. That case was settled by a Default Order. The company continued to make installations without a contractors license by installing a security camera for a CCTV system in a building greater than 3 stories in height resulted in a \$5,000 civil penalty was assessed. The company made another installation of a security fire alarm without a contractors license or permit, allowing unlicensed individuals to perform work, and violating a Cease and Desist Order. The division assessed a civil penalty of \$25,000.

Tim Nicol asked if the division knew if Federal Security Inc., was licensed through the Constructions Contractors Board during the times of installations?

Enforcement Officer Lawson said that each case was forwarded to the Construction Contractors Board and Building Codes Division is in constant communication with them.

Enforcement and Licensing Manager Twyla Knowles assured Mr. Nicol that an open dialog is being established with the Construction Contractors Board, (CCB) specifically about these types of cases. She noted that the division is scheduling meetings with CCB to discuss enforcement strategies. Ms. Knowles informed the board that the division is currently working with the Department of Justice for an injunction against this company and another company, Marca Electric, Inc.

Enforcement updates:

Before the update was given, Administrator Long announced Jon Hills as the new enforcement and licensing manager. Twyla Knowles, policy and technical services assistant manager has been filling the position. Administrator Long publicly recognized Ms. Knowles for her outstanding performance as manager and her ongoing performance in the policy and technical services section.

Ms. Knowles reviewed the enforcement report with the cover memo detailing statistical information regarding enforcement. The section has completed 5 multi-agency sweeps, and 30 mini sweeps where two or more of the enforcement officers visit job-sites. Ms. Knowles noted that the section is providing a ticket-book training. She noted that 88 citations have been issued through the ticket-book program.

The division recently contracted with the National Electrical Contractor's Association for two licensed enforcement specialists to conduct license checks in the mid-Willamette Valley and southern Oregon areas. The two individuals have trained with the division staff. Ms. Knowles said that the division is taking steps to assure that individuals with electrical contractors licenses are licensed through CCB. If a CCB license is inactive, the division will be sending post cards to those individuals giving them 14 days to reactivate the CCB license or else face suspension of the electrical contractors license.

Legislative update: Tamara Brickman, legislative and public affairs manager referred to the BCD Update as reference to the legislation that has directly impacted the division and the construction industry in general. Manager Brickman noted that the legislative law class information is being finalized and will be available soon on-line for the building officials needing the class.

Manager Brickman noted that HB 2548, dealing with reciprocating conveyor, had its first committee meeting September 6, 2007. Manager Brickman reported on an issue related to stair lifts. She noted that clarifying language may be added to insure that it is not the division's intent to include vertical chair lifts in the rules. She added that two new licenses were created from this bill: A Reciprocating Conveyor Mechanic license; and Restricted Reciprocating Conveyor Mechanic license.

C. Program updates

Policy and Technical Services manager Andrea Simmons discussed the BCD Update. Information on how to contact individuals for specific program questions is included along with the summary of rulemaking activities.

Manager Simmons discussed HB 2478 that allows the division to standardize forms for permits, inspections, and certificate of occupancies throughout the state. A committee will begin its work reviewing the residential certificate of occupancy with the anticipated effective date of April 1, 2008.

Manager Simmons discussed HB 2219, which continues the effort to streamline licensing rules.

Manager Simmons highlighted SB 192, which enhances the enforcement authority of the division and the various licensing boards. It allows the division or a board to deny, suspend, revoke or refuse to review a license for construction related violations that lead to sanction by CCB or failure to pay civil penalties imposed by CCB; construction related violations or failure to pay civil penalties imposed by another state; and violation of any construction-related law (i.e. sanitation or sewage standards etc.).

Manager Simmons noted that the Board Chair/Vice-chair Advisory Group will likely meet before the first of the year to review legislative actions.

Still referring to [BCD Update](#), Manager Simmons discussed the document titled "Low-Rise Residential Code Adoption." She noted that every three years the division adopts a new state building code based on national model codes. For the adoption of the 2008 Low-Rise Residential Dwelling Code, the Mechanical Board; Electrical and Elevator Board; and the Oregon State Plumbing Board

needs to review its portions of this code. After the Residential Structures Board reviews the electrical provisions of the 2008 Low-Rise Code at its December 11, 2007 meeting, the Electrical and Elevator Board will need review what the Residential Structures Board has approved. The 2008 Low-Rise Residential Dwelling Code will be effective April 1, 2008.

Manager Simmons said that the Electrical Code Review Committee has been formed and is scheduled to meet October 11, 2007 to review the administrative chapters. The period for submitting code amendment proposals ends October 31, 2007. An additional Electrical and Elevator Board meeting may occur to review the Electrical Code Review Committee's recommendations to the commercial provisions of the Oregon Electrical Specialty Code for an April 1, 2008 effective date.

Electrical update: Dennis Clements, chief electrical inspector, informed the board of a new approved field evaluation firm: [TUV SUD Korea Ltd.](#)

Elevator update: Ron Crabtree, chief elevator inspector, reported no accidents or injuries.

IV. Communications

BCD new employee's:

- Tania Klaus, enforcement and licensing, enforcement officer.

V. Appeals – None

(This item was part of the amended agenda)

VI. Unfinished business

Consider modifying the Idaho reciprocity agreement relating to the general supervising electrician and master electrician licenses

Manager Simmons reminded the board that this item was discussed at the March board meeting. At that time, the board asked the division to compare Oregon's Supervising Electrician license with Idaho's Master Electrician license. Idaho's Division of Building Safety worked with the International Code Council (who administers Idaho's exam), to allow Building Codes Division's staff and members of the board's exam review committee to review and compare the relevant exams. Al Caine, licensing and compliance manager for Idaho's Division of Building Safety also attended the meeting. The consensus was that the two states' examinations are currently not "substantially similar."

Manager Simmons noted that Idaho Division of Building Safety agreed with the outcome and will begin the process of modifying the exam. Chairman Arno said that he would like to see this issue resolved as soon as possible and he suggested that the division review all other states' exams that are included in the reciprocity agreement for equivalency.

James Fahey suggested that the language pertaining to permanent residence be reviewed for clarity in the agreement. Manager Simmons assured the board that the policy manager and the enforcement manager are reviewing the agreement and are coming up with solutions that will be reported to the November board meeting.

Motion by Tim Nicol to suspend the reciprocity agreement with Idaho concerning Master Electrician license and Oregon General Supervising Electrician license until the State of Idaho can prove that the two exams are equivalent.

Motion carried unanimously

VII. New business

A. Consideration of alternate verification in the matter of Timmy Tannien

Tim Tannien was before the board asking the board to consider alternate work experience from Canada. Chairman Arno noted that the board has not approved alternate verification for work performed outside the country because it would not be work performed under the National Electrical Code.

Mr. Tanninen explained he is working for a company that works its crews in both Oregon and Washington. He is currently in the process of obtaining a license in Washington.

Chairman Arno noted that Mr. Tanninen is lacking over 5,000 hours of legal work experience. Chairman Arno recommended one of two avenues for Mr. Tanninen: continue to work as a trainee and follow through with getting a Washington license, which will count towards obtaining legal work experience, then apply for an Oregon license; or apply for an apprenticeship program.

Motion by Tim Nicol to disapprove the alternate verification in the matter of Timmy Tanninen based on the fact that Mr. Tanninen is lacking 5,000 hours of verifiable work experience under OAR 918-282-0170 to sit for the exam.

Motion carried unanimously

(This Agenda Item was withdrawn)

B. Consideration of alternate verification in the matter of Gary Fitzgerald

C. Review and approve House Bill 2473 administrative rule changes relating to Sign, Stage and Class A Electrical licenses

Chris Huntington, policy analyst, explained that the bill made three broad categories of changes: 1) deleted references to several licenses that had no license holders; 2) clarified the scope of work for the limited maintenance electrician license; and 3) reduced the term of apprenticeship for Limited Journeyman Sign and Stage Electricians, and the Class A limited energy technicians.

(Sherry Sherman left the meeting at 12:20 p.m. prior to the vote of the motion)

Karen Dale, Oregon Apprentice and Training Division, said that a minimum guideline committee is scheduled to meet October 10, 2007 to review the sign electrical programs. Ms. Dale noted that it is expected that the LEA Standard will be on the State Apprenticeship Council's agenda for its December meeting for approval. According to the draft rules, the Class A limited energy technicians license is now required to complete a 3-year apprenticeship program versus a 4-year program. Ms. Dale said that it is important to communicate to individuals that have already completed three years of the program will not be referred to exam until the apprenticeship committee acknowledges that all licensing requirements are complete. The 3-year program is expected be effective January 1, 2008.

Motion by Mike Broomfield to approve draft rules for hearing and subsequent adoption unless substantially changed.

Motion carried

VIII. Announcements

BCD will be presenting information on Rule and Law, Wiring Methods, and Common Misconceptions Part III at the following locations, dated 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 12:45 p.m.

Respectfully submitted by,

Debi Barnes-Woods
Boards Coordinator