

DRAFT
State of Oregon

**Agenda
Item
I.D.**

Electrical and Elevator Board

Meeting minutes
May 27, 2010

- Members present:** Lowell Arno, Chairman
Craig Perkins, Vice-chair
James Fahey
Thomas Faires
Timothy Frew
James Johnston
Thomas Lindberg arrived at 9:45 a.m.
Bruce Soihr
Michael Weaver
- Members absent:** Michael Broomfield
Daniel Maher
Nolan Shefstad
Sherry Sherman
- Staff present:** Chris Huntington, manager, policy and technical services
Dennis Clements, chief electrical inspector
Grant Zadow, assistant chief electrical inspector
Celina Patterson, manager, statewide services
Warren Hartung, chief elevator inspector
Liz Browder, manager, enforcement services
Brent Griffiths, lead enforcement officer
Ree Armitage, policy analyst
Jim Hanson, policy analyst
Twyla Knowles, manager, FACS
Ted Eborra, assistant manager, FACS
Frances Wilkins, travel/accounts receivable specialist
Sandy Culpovich, accounts payable specialist
Nancy Klagge, fiscal specialist
Debi Barnes-Woods, boards coordinator
- Guests present:** Nathan Phillips, consultant
Rod Belisle, NIETC
Jeff Fitzloff, Underwriters Laboratory
Frank Regalado, IUEC
Irene Weber, JATC, Area 1
Reggie De Vore, De Vore Electric and Construction
Alfred Van Domelen, Van Domelen Family Company LLC

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 Broomfield, Nolan Shefstad and Sherry Sherman were absent excused.
Daniel Maher was absent unexcused.

C. Approval of the agenda and order of business

Chair Arno **RULED** the agenda and order of business approved.

D. Approval of board meeting minutes of March 25, 2010

Frank Regalado, IUEC, noted that at the March meeting during public comment, he discussed a vacant position at the division. Mr. Regalado suggested corrections to the minutes. He noted it was a field inspector's position he asked help from the board in filling.

Chairman Arno **RULED** the board meeting minutes of January 28, 2010 approved as amended by replacing chief elevator inspector with field inspector in the public comment.

E. Date of the next regularly scheduled meeting

July 22, 2010

II. Public comment - None

III. Reports

A. Building Codes Division report

Manager of Policy and Technical Services Chris Huntington discussed rulemaking and code activities that are noted in the [BCD Update packet](#).

HB 3462 has two major components related to inspector certification:

- Phase 1 included establishing renewal periods and fees for certifications. The rule will go into effect July 1, 2010 with the first renewal cycle beginning November 2010, then every 3 years.
- Phase II authorizes the division to create a pilot program to develop specialized inspector certifications and training. A committee was formed and is meeting regularly.

HB 2950 created the new Construction Industry Energy Board. The board had its first meeting in February. Roles and responsibilities were discussed. Manager Huntington noted that the new solar code will be brought to that board for review and recommendations. The next meeting is scheduled for Tuesday, June 29, 2010.

Manager Huntington noted that SB 79, the governor's energy efficiency bill, accomplishes three things:

- Creates a task force on energy performance scores, which has begun its work and is staffed by the Oregon Department of Energy

- Requires an increase in the energy efficiency of 10-25 percent in commercial structures and at least 10-percent in residential structures by 2012
- Authorizes the development of a voluntary “reach code” containing construction methods for achieving higher levels of energy efficiency than under the statewide codes. A committee was formed and began its work in April

Manager Huntington noted that the anticipated effective date for the 2010 Oregon Structural Specialty Code, 2010 Oregon Mechanical Specialty Code, and the 2010 Oregon Energy Efficiency Specialty Code is July 1, 2010. He added that the process to adopt the new plumbing and residential specialty codes has just begun.

B. Enforcement report

Lead Enforcement Officer Brent Griffiths noted that an emergency license suspension for Traditional Electric, LLC was discussed at the last meeting. Mr. Griffiths noted that the division issued a proposal of permanent revocation of that company’s contractor’s license and issued a proposal of civil penalties against the company and the owner. The division also has charges pending against the signing supervisor. Mr. Griffiths noted that a hearing was requested.

Mr. Griffiths also updated the board on the final order the board issued at the last meeting for Christain Mathews. The case has now been appealed to the Court of Appeals.

Final Order

1. Consideration of second proposed order assessing civil penalties in the matter of Treble Seven LLC.

Mr. Griffiths noted that the case went before the board at its last meeting. The board made a motion to disapprove the amended proposed order sending it back to the division recommending approval of the original proposed order of \$5,500.

Chair Arno noted that the individual had the opportunity to settle the case prior to going to hearing at a lesser amount.

Motion by Tom Lindberg to issue a final order, adopting the second amended proposed order with no further changes.

Motion carried unanimously

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

D. Program updates

Electrical update: Chief Electrical Inspector Dennis Clements said that program presentations are being offered and information is available on the division’s Website at;

http://www.cbs.state.or.us/external/bcd/programs/electrical/industry_meetings.html

Chief Clements also noted that he will be attending a code forum at the National level in Massachusetts and will be unable to attend the next board meeting.

Elevator update: Celina Patterson, manager of Statewide Services, and Warren Hartung, chief elevator inspector, discussed recent accidents related to elevators and escalators. Manager Patterson noted that the majority of the accidents are caused by human error and not the direct result of the equipment failure. Manager Patterson noted however, St Vincent Hospital reported a malfunction to an elevator. The elevator was immediately shut-down with no reported injury.

Manager Patterson reviewed the overdue inspections percentage per reporting period. She noted that the section is short one field inspector and thus the overdue inspection numbers have not improved. The division is unable to hire another field inspector at this time because elevator permit revenue is down and the program is self-supporting. Manager Patterson noted that the elevator program is inspecting the higher risk elevators first, so that any overdue inspections are on lower risk types of equipment.

VI. Communications

A. Update on the 2010 Oregon Solar Installation Specialty Code

Aeron Teverbaugh, policy analyst for green building services, noted that the [2010 Oregon Solar Installation Specialty Code](#) is a clear and concise code of statewide applicability for approximately 80-percent of photovoltaic installations. It does not address licensing, solar water heating, solar thermal issues, or cutting edge technology. Ms. Teverbaugh noted that the committee is expected to complete its work at the next scheduled meeting.

B. Elevator E-Permitting update

Manager Patterson noted that the division has undertaken a very aggressive implementation schedule and is planning to go live with the program July 12, 2010. Manager Patterson said that contractors will be able to purchase installation permits and view inspection reports. Building owners and managers will be able to pay for operating permits and inspections, view inspection reports, and submit address and equipment updates. BCD inspectors will have improved access to inspection and equipment history, electronic codes, and to a streamlined, paperless inspection reporting system.

V. Appeals

Appeal request from Alfred Van Domelen of Van Domelen Family Company LLC on the decision of City of Portland Electrical Code Board of Appeal to require electrical circuits for signage and each entrance in industrial building.

Mr. Van Domelen discussed the appeal, his perspective of what is required for a commercial building, and what is required for an industrial building in the code.

Mr. Van Domelen noted that there are specific portions in the Building Code for what is allowed in an industrial zone and what is allowed in a commercial zone.

Mr. Van Domelen said that his buildings are in an industrial zone and are industrial buildings with very few or no individuals from the public entering. Mr. Van Domelen said that it is a misinterpretation of the code to require installation of lighted signs over entrances for an industrial building.

Chairman Arno read from the handbook for the National Electrical Code, which states the intent of the code. A 20 amp outlet on a dedicated branch circuit is a required provision for the installation of a sign at the entrance of a commercial building and the entrance of shopping malls.

Michael Weaver noted that it is not the intent of the code to enforce sign circuits on an industrial building in an industrial park.

Motion by Michael Weaver to overturn the city of Portland local appeals board and rule in favor of Alfred Van Domelen of Van Domelen Family Company LLC because the code section is not intended to require sign circuits to the building in question.

Motion carried unanimously

VI. Unfinished business - None

VII. New business

A. Board consideration of proposed revisions to the enforcement penalty matrix and rule

Manager Huntington noted that the Board Chair/Vice-chair group met recently to discuss making modifications to the existing penalty matrix. He noted that in some cases, first time violators are not willing to negotiate consent orders because of the amount of the fines, instead they are choosing to go to hearing. Because the Office of Administrative Services cannot change the penalty matrix, individuals are asking to plead their cases to the boards. Manager Huntington reviewed the changes explaining that the amount stayed for most violations has been increased to provide additional flexibility for the division when trying to negotiate a settlement. Manager Huntington noted that a permit-only category was added and a volunteer could have the entire penalty stayed for first time violators.

Another change was the stayed amount would be in effect for 5 years for all violations instead of a combination of 3 and 5 years depending on the violation.

Mr. Griffiths added that the division has the authority to act outside the penalty matrix especially when life/safety is an issue.

Motion by Michael Weaver to approve the proposed penalty matrix and rule.

Motion carried unanimously

B. Request by Reggie De Vore, De Vore Electric and Construction to discuss proposed assessment of civil penalties.

Chair Arno clarified for Mr. De Vore, De Vore Electric and Construction, that he has two choices in this case: 1. Negotiate with staff, or 2. Go to hearing. Chair Arno recommended that Mr. De Vore negotiate with staff.

It was explained to Mr. De Vore that the division represents the board and negotiations should take place with the enforcement staff. Mr. Griffiths offered to speak to Mr. De Vore following the meeting.

VIII. Announcements - None

IX. Adjournment

Chair Arno adjourned the meeting at 10:20 a.m.

Respectfully submitted by,

Debi Barnes-Woods
Division Boards Coordinator