

Electrical and Elevator Board

Meeting minutes

January 28, 2016

Members present: Michael Weaver, electrical contractor, Chair
Heather Miller, journeyman electrician, Vice-chair
James Fahey, commercial underwriter
Thomas Faires, elevator manufacturing
Timothy Frew, journeyman electrician
Joseph Pugh, public member
Randy Smith, electrical inspector
James Totten, electrical contractor

Members absent: Scott Hall, electrical equipment supplier
Robert Pyne, journeyman elevator installer
Sherry Sherman, electrical equipment manufacturing rep
Steven Trapp, electrical contractor
Vacant, building official
Vacant, industrial plant employing electricians
Vacant, power and light industry

Staff present: Chris Huntington, deputy administrator, Building Codes Division
Andrea Simmons, manager, Enforcement and Training
Keith Anderson, electrical program chief, Policy and Technical Services
Shawn Haggin, electrical program assistant chief, Policy and Technical Services
Roseanne Nelson, assistant manager, State Inspection Services
Warren Hartung, elevator program chief, State Inspection Services
Adam Blechman, contested case representative, Enforcement and Training
Dan Wittekind, investigator, Enforcement and Training
Bill Huston, investigator, Enforcement and Training
Richard Baumann, policy analyst, Policy and Technical Services
Debi Barnes-Woods, boards administrator, Policy and Technical Services

Guests present: Nathan Philips, NECA
Kurt Hauth, self
Jack Applegate, The Building Department LLC

I. Board business

A. Call to order

Chairman Michael Weaver called the Electrical and Elevator Board meeting of January 28, 2016, to order at 9:43 a.m. The meeting was held at the Building Codes Division in Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

B. Roll call

Scott Hall, Robert Pyne, Sherry Sherman, and Steven Trapp were all absent excused.

The Electrical and Elevator Board has the following three vacancies: Building official, power and light industry, and industrial plant representative.

C. Approval of the agenda and order of business

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

D. Approval of the board meeting minutes of November 19, 2015

Chair Weaver **RULED** the board meeting minutes of November 19, 2015, approved as written.

E. Date of the next regularly scheduled meeting: March 24, 2016

II. Public comment - None

III. Reports

A. Division update

Items A. and B. were discussed together by Keith Anderson, electrical program chief, Policy and Technical Services.

B. Electrical program update

Items of discussion:

- The Division will begin the code review process for the 2017 Oregon Electrical Specialty Code accepting code submittals July 2016. Then the code committee is proposing to begin its review of submittals October 2016 with an anticipated adoption date of October 1, 2017.
- [OAR 918-271-0040](#) mandatory inspection practices for electrical disconnection. The rule clarifies when the Division may disconnect or cause the disconnection of an electrical product or installation without a hearing. The [rule](#) also clarifies the process for requesting a hearing after such a disconnection was made.

C. Elevator program update

Warren Hartung, elevator program chief, State Inspection Services, reviewed the elevator inspection chart for overdue inspections and discussed the minor accidents related to elevators.

Before the enforcement cases were discussed, two new investigators were introduced: Dan Wittekind and Bill Huston

D. Consideration of final order in the matter of Lyubomir B. Brunets; Case No. C2015-00144

Adam Blechman, contested case representative, Enforcement and Training, explained that Mr. Brunets failed to make any payments towards a default order. The order occurred January 2015 when Mr. Brunets used his limited residential electrician license to preform work requiring a general journeyman or a supervising electrician license. A hearing was requested and the ALJ issued a proposed order agreeing with the Division asking that the limited residential electrician license be suspended for one year pursuant to [ORS 455.129\(2\)\(b\)](#).

Motion by Vice-chair Miller to adopt the proposed order issuing a final order with no changes in the matter of Lyubomir B. Brunets.

Motion carried unanimously.

E. Consideration of settlement agreement in the matter of Kurt P. Hauth; Case No. C2015-0036

Mr. Hauth is a second time violator. He signed a consent order for previous penalties. Mr. Hauth's present case involved several violations occurring within the suspended five-year period. Mr. Hauth did work for a contractor at the beginning of the job, but his employment ended during the project. Mr. Hauth continued to work on the project. Mr. Hauth did not have a contractor license, and did not purchase permits for the current violations. He also hired another individual with an expired license who preformed at least 18 hours of work. Mr. Hauth did not have a supervising electrician license. The total assessed civil penalties are \$13,000. Mr. Hauth was present at the Board meeting and said because of several financial and family health issues he was asking the Board to consider reducing the amount of civil penalties to \$6,000.

Motion by Tim Frew to deny the settlement request from Kurt P. Hauth Case No. 2015-0036 because he is a second time violator.

Motion carried unanimously.

F. Summary of enforcement actions previously taken by the division outlined on the enforcement board report (*No board action required*)

Cases included in this report were informational.

IV. Communications - None

V. Appeals - None

VI. Unfinished business

Board review and recommend to the Administrator the request from City of Turner for Electrical Program Assumption from Marion County

Tyler Larson, policy analyst, Policy and Technical Services, reminded the Board of specific dates related to program assumption from Marion County:

- City of Turner submitted, to the Division, a notice of delegation September 30, 2015
- The application was submitted to the Board for comments and recommendations November 19, 2015
- At the November Board meeting, members suggested a [list of items](#) that were not included in the application being reviewed that are a requirement of [Division 20](#) and in [Division 308](#) of the Oregon Administrative Rules
- Additional permit revenue data was received from Marion County, and then the City of Turner provided a response to that data. On January 27, 2016, the Division received an updated operating plan that specified turn-around time for electrical inspections
- January 28, 2016, all additional information was submitted to the Board for its review and recommendations

Jack Applegate, The Building Department LLC, was available for Board questions.

Chair Weaver noted that receiving an updated operating plan the day before the Board meeting does not give members adequate time for review. He added that

the Board had provided feedback at the November 19, 2015, meeting, and that he expected the City to update its plan accordingly.

Chair Weaver said he was concerned with the different revenue permit fee amount submitted by both Marion County and City of Turner.

Mr. Applegate said the City of Turner was unable to verify the fee information provided by the County.

Motion by Timothy Frew to recommend the Division approve the City of Turner's application for delegation of a electrical program because the City's application meets the minimum standards adopted by the Electrical and Elevator Board by rule for inspections, permit applications and other matter to ensure adequate administration and enforcement.

Chair Weaver asked if this motion included what is still needed from City of Turner to complete the application.

Joseph Pugh said he was unclear if the City of Turner submitted enough information to tell if the application meets the requirements in the Oregon Administrative Rules.

Chris Huntington, deputy administrator, Building Codes Division, outlined the motions available based on the Board's conversation of an incomplete application.

- Recommend to approve the assumption based on the City of Turner including all information that was requested by the Board at its November 19, 2015, meeting in the final operating plan
- Recommend this Item be deferred to the next Board meeting

Timothy Frew withdrew his original motion that recommended approval.

Motion by Timothy Frew to defer this Item to the next scheduled Board meeting when all information requested is included in the final operating plan.

Jack Applegate asked the Board for a list of the additional information needed.

Roll call vote taken:

Yea – Totten and Frew

Nay – Smith, Pugh, Faires, Fahey, VC Miller, and Chair Weaver

Motion failed.

Motion by Vice-chair Miller to recommend to the Administrator to approve City of Turner's application for delegation of electrical program so long as the Division is fully satisfied that the operating plan and the application meet all of the required statutes and the Board's concerns.

Chair Weaver added the Board's concerns, which VC Miller agreed to add to the motion:

- List specific times for inspector availability
- List all statute references
- List the level of service offered
- Clarify permit revenue data for liability of the program to include the impact of the county
- Include how to submit a request for an inspection

Motion carried unanimously.

VII. New business

A. Review and approve committee's recommendation on new continuing education courses and instructors

Richard Baumann, policy analyst, Policy and Technical Services, said the continuing education committee continues to meet to review new instructor applications and course applications to ensure that both meet the guidelines for approval.

Motion by Vice-chair Miller to approve committee's recommendations for approval or denial of courses or instructors.

Motion carried unanimously

B. Board review request received from Costel Popovici to approve his supervisor license application by finding that his work and training experience meets equivalency requirements

Chair Weaver said he reviewed all the information submitted by Mr. Popovici and did not find any information related to electrical installations performed.

Motion by Vice-chair Miller to disapprove Mr. Popovici's request because he does not demonstrate that he meets the requirement of ORS 479.630(2).

Motion carried unanimously

IX. Announcements – None

X. Adjournment

Chair Weaver adjourned the meeting at 11:30 a.m.

Respectfully submitted by Debi Barnes-Woods, boards administrator/coordinator