



Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Building Codes Division

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Electrical and Elevator Board

Meeting agenda

Thursday, September 22, 2016, 9:30 a.m.

Conference Room A

Board meetings are broadcast live via the Internet at

<http://www.oregon.gov/bcd>

Click on "View live meetings"

I. Board business

- A. Call to order
- B. Roll call
- C. Approval of agenda and order of business
- D. Approval of the draft board meeting minutes:
 - [July 28, 2016](#)
 - [August 24, 2016](#), additional meeting to include executive session
 - [September 9, 2016](#), additional teleconference meeting
- E. Date of the next regularly scheduled meeting: November 23, 2016

II. Public comment

*This time is available for individuals wanting to address the board on **non-agenda items only**. The board will not take action on non-agenda items raised under public comment at this meeting. Testimony on agenda items will be heard when the item is called. (See "Issues to remember when addressing board" at the end of this agenda).*

III. Reports

- A. Electrical program update
- B. Elevator program update
- C. Enforcement field investigators [territory map](#) - Informational
- D. [Summary](#) of enforcement actions previously taken by the division outlined on the enforcement board report (*No board action required*)
- E. [License revocations](#) of enforcement actions previously taken by the division outlined on the enforcement board report (*No board action required*)

IV. Communications - None

V. Appeals - None

VI. Unfinished business

Review and provide a recommendation of electrical board rules for [draft amendments](#) to Chapter 918 Division 308 related to standards for delegation of electrical program to local government

VII. New business

- A. Review and approve committee's recommendations for [new continuing education courses and instructors](#)
- B. Consideration of [retroactive approval](#) of continuing education credit for Dwain Herschbach, Oregon supervisor license No. 43885, for OSHA 1910.269 Safety & Arc Hazard Awareness course back to September 22, 2015. Instructor has since submitted application to the state for approval as an instructor for e-Hazard

VIII. Announcements – None

IX. Adjournment

Issues to remember when addressing the board:

- All public participation is subject to the discretion of the board chair for order of testimony, length and relevance.
- Speakers are generally limited to five minutes.
- Please register on the attendance registration form and on the public testimony registration form, listing the appropriate agenda item.
- The board chair will call you to the front testimony table.
- Please state your name and the organization you represent (if any).
- Always address your comments through the chair.
- If written material is included, please provide 20 three-hole-punched copies of all information to the boards administrator prior to the start of the meeting and, when possible, [staff](#) respectfully requests an electronic copy of materials 24 hours prior to the meeting.

Interpreter services or auxiliary aids for persons with disabilities are available upon advance request. Persons making presentations including the use of video, DVD, PowerPoint, or overhead projection equipment are asked to contact boards coordinator 24 hours prior to the meeting. For assistance, please contact [Debi Barnes-Woods](#) at 503-378-6787.

Please do not park vehicles with "E" plates in "customer only" spaces.

Note: For information regarding re-appointments or board vacancies, please visit the Governor's [website](#).

Electrical and Elevator Board
Meeting minutes
July 28, 2016

- Members present:** Michael Weaver, electrical contractor, Chair
Heather Miller, journeyman electrician, Vice-chair
Thomas Faires, elevator manufacturing
Timothy Frew, journeyman electrician
Scott Hall, electrical equipment supplier
Joseph Pugh, public member
Robert Pyne, journeyman elevator installer
Randy Smith, electrical inspector
Steven Trapp, electrical contractor
- Members absent:** James Totten, owner or manager of a commercial office building
Vacant, building official
Vacant, commercial underwriter
Vacant, electrical equipment manufacturing rep
Vacant, industrial plant employing electricians
Vacant, power and light industry
- Staff present:** Katharine Lozano, Senior Assistant Attorney General
Tyler Anderson, Assistant Attorney General
Brett Salmon, manager, Policy and Technical Services
Andrea Simmons, manager, Enforcement Services
Keith Anderson, electrical program chief, Policy and Technical Services
Shawn Haggin, electrical program assistant chief, Policy and Technical Services
Jeff Starkey, assistant manager, Statewide Services
Roseanne Nelson, assistant manager, Statewide Services
Warren Hartung, elevator program chief, Statewide Services
Alana Cox, senior policy advisor, Policy and Technical Services
Adam Blechman, contested case representative, Enforcement Services
Dan Wittekind, investigator, Enforcement Services
Bill Huston, investigator, Enforcement Services
Richard Baumann, policy analyst, Policy and Technical Services
Sandi Calkins, division technician
Juliet Wiersma, manager's assistant, Enforcement Services
Brooke Burgess, specialist, Enforcement and Training
Debi Barnes-Woods, boards administrator, Policy and Technical Services
- Guests present:** Nathan Philips, NECA
Dave Parkin, Parkin Electric
Matt Branett, Oregon Youth Authority
Bonnie Tracktenberg, LBME program administrator
Mark Epling, Oregon LBME license
Randy Carmony, Local 23
Tony McCormish, NIETC, Local 48
Grant Page, Power Plus Electric
Daniel Gustafik, Hybrid Tech LLC

I. Board business

A. Call to order

Chairman Michael Weaver called the Electrical and Elevator Board meeting of July 28, 2016, to order at 9:31 a.m. The meeting was held at the Building Codes Division in Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

B. Roll call

James Totten was absent excused.

The Electrical and Elevator Board has the following five vacancies: Building official, commercial underwriter, electrical equipment mfr. representative, industrial plant representative, and power and light industry.

C. Approval of the amended agenda to include outside of public meeting and petition for reconsideration of final order IV.C. And to approve the order of business

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

D. Approval of the board meeting minutes of May 26, 2016

A correction was made to the draft meeting minutes:

- Board member Timothy Frew was not absent but connected by teleconference.

Chair Weaver **RULED** the amended board meeting minutes of May 26, 2016, final.

E. Date of the next regularly scheduled meeting: September 22, 2016

(Board chair read a script to announce the start of executive session)

II. Executive session

Executive session to consult with counsel on legal advice. Exempt from public inspection under Public Records Law [ORS 192.660\(2\)\(f\)](#)

(Break to allow audience back in room. No votes were taken during executive session)

III. Public comment

Dave Parkin, Parkin Electric, discussed his company's experience with continued delay of service from Portland General Electric. Mr. Parkin said his company submitted a fault current calculation for temporary service to PGE on June 20 and he has yet to receive a response. Once PGE receives these types of calculations, they are forwarded to their design department, which may take up to two months to respond. Mr. Parkin said that the City of Portland is the only city in Oregon, that he is aware of, that requires a calculation in advance. Some of his customers have been without power for up to two months.

Chair Weaver said that Chief Electrical Inspector Keith Anderson will contact Parkin Electric for a detailed discussion.

Bonnie Tracktenberg, Oregon LBME program administrator; Matt Branett, Oregon Youth Authority; Mark Epiling, LBME committee member; and Ralph Williams, chair of the LBME committee, proposed adding eight hours of approved continuing education every three years for the limited building maintenance electrician license.

They also requested that the division review the test questions to obtain the license. LBME panel mentioned that service calculations are included in the test questions.

Shawn Haggin, assistant chief electrical inspector, said that there are no service calculation questions in the test. Mr. Haggin said that he will review all the questions for the LBME to make sure.

IV. Reports

A. Electrical program update

Keith Anderson, electrical program chief, said that division will send out notice in September to accept code proposals for the 2017 Oregon Electrical Specialty Code. Chief Anderson asked members to forward any names of individuals interested in serving on the code committee to the chief or Chair Weaver so the chair can select committee members.

B. Elevator program update

Warren Hartung, elevator program chief, State Inspection Services, reported on accidents that were reported to the division in the months of May and June of 2016.

(Board chair read a script to announce the start of outside public meeting)

C. Outside of public meeting pursuant to [ORS 192.690\(1\)](#) to discuss petition for reconsideration of final order in the matter of Ampere Electric, a subsidiary of Soledad Electric; Case No. 2016-0152

(Break to allow audience back in room. No votes were taken outside of public meeting)

Board review and provide a recommendation on the petition for reconsideration of final order in the matter of Ampere Electric subsidiary of Soledad Electric; Case No. 2016-0152

Andrea Simmons, manager, Enforcement Services, reviewed the case history with the board. She reminded the board that in September 2015 the board entered into a consent order, which resolved the issues of the proposed denial of the contractor license and the unlicensed activity for the 14 months where respondent did not have a contractor license. That consent order assessed a total of \$48,891.63, of which the board stayed \$41,250 for a period of five years provided all terms were met.

On June 10, 2016, the board issued a notice to reinstate the \$41,250 based on Ampere/Soledad's multiple failures to comply with the payment terms, which also included a notice to revoke the electrical contractor license. Because a hearing was not requested, the notice became a final order on July 1, 2016. Jackie Cook spoke through teleconference on behalf of Ampere Electric subsidiary of Soledad Electric. Ms. Cook said that because of a death in the

family and miscommunication, she did not become aware of being behind in the payment agreement plan until July. The company then submitted the delinquent payments for May and June on July 7, 2016. Ms. Cook asked for reconsideration of the final order for Ampere Electric subsidiary of Soledad Electric.

Motion by Vice-chair Heather Miller to deny the petition for reconsideration of final order in the matter of Ampere Electric a subsidiary of Soledad Electric; Case No. 2016-0152.

Motion carried unanimously.

D. Board consideration of final order in the matter of Kurt P. Hauth; Case No. 2015-0036

Motion by Steven Trapp to adopt the proposed order with no changes and have the division issue a final order after the exception period has expired.

Motion carried unanimously.

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

Informational item.

E. Conditioned licenses, suspensions and revocations of enforcement actions previously taken by the division outlined on the enforcement board report. (No board action required)

Informational item.

IV. Communications - None

V. Appeals - None

VI. Unfinished business - None

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.

Motion by Timothy Frew to approve committee's recommendations for approval or denial of courses or instructors.

Motion carried unanimously.

B. Board review and make a recommendation for electrical license examination guidelines

Chief Anderson discussed a recommendation from the Electrical Supervisor Exam Review Committee for electrical licensure examination guidelines. There are currently no written guidelines approved by the board on the type of examination material allowed in the room during electrical licensure examinations. The committee recommended the board allow the candidate's personal handwritten or printed notes and any type of tabs within the reference material within the testing room. The committee believed this would not provide

an unfair advantage.

Roseanne Nelson, assistant manager, Statewide Services, wanted clear written guidelines for division staff as well as proctoring sites to prevent any miscommunication.

Motion by Vice-chair Heather Miller to recommend the division update examination guidelines to allow the use of NFPA-70 errata and allow approved reference materials, which may be altered for the convenience of the candidate, including the attachment of hand written or printed tabs and notes.

Motion carried unanimously.

IX. Announcements - None

X. Adjournment

Chair Weaver adjourned the meeting at 11:08 a.m.

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

Electrical and Elevator Board
Additional board meeting draft minutes
Executive Session

August 24, 2016

Members present: Michael Weaver, electrical contractor, Chair
Heather Miller, journeyman electrician, Vice-chair
Thomas Faires, elevator manufacturing
Timothy Frew, journeyman electrician
Scott Hall, electrical equipment supplier
Joseph Pugh, public member
Robert Pyne, journeyman elevator installer
Randy Smith, electrical inspector
James Totten, owner or manager of a commercial office building

Members absent: Steven Trapp, electrical contractor
Vacant, building official
Vacant, commercial underwriter
Vacant, electrical equipment manufacturing rep
Vacant, industrial plant employing electricians
Vacant, power and light industry

Staff present: Katharine Lozano, Senior Assistant Attorney General
Chris Huntington, deputy administrator, Building Codes Division
Brett Salmon, manager, Policy and Technical Services
Andrea Simmons, manager, Enforcement Services
Keith Anderson, electrical program chief, Policy and Technical Services
Shawn Haggin, electrical program assistant chief, Policy and Technical Services
Jeff Starkey, assistant manager, Statewide Services
Alana Cox, senior policy advisor, Policy and Technical Services
Andrea's new person
Debi Barnes-Woods, boards administrator, Policy and Technical Services

Guests present: Brett Welland, City of Portland, Bureau of Development Services
Steve Sheperd, Bear Electric
Greg McNaught, Mr. Electric

I. Board business

A. Call to order

Chairman Michael Weaver called the additional Electrical and Elevator Board executive session meeting of August 24, 2016, to order at 9:31 a.m. The meeting was held at the Building Codes Division in Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

B. Roll call

Steven Trapp was absent excused.

The Electrical and Elevator Board has the following five vacancies: Building official, commercial underwriter, electrical equipment mfr. representative, industrial plant representative, and power and light industry.

II. Reports

Litigation update for City of Turner

Katharine Lozano, Senior Assistant Attorney General, said the City of Turner recently applied for and was denied delegation of an electrical program; they then appealed the denial to circuit court, but ultimately agreed to dismiss their civil case, then it was denied again under the Administrative Procedures Act, which gives City of Turner 60 days to request a contested case hearing, or they may choose to re-apply once the application is updated.

(Chair Weaver read a script to announce executive session and the process. He said no vote will take place during this time. Short break to remove audience from the room to begin executive session)

III. Executive session

Executive session to consult with counsel on legal advice for the board to consider records that are exempt from public inspection under Public Records Law ORS 192.660(2)(f)

(Short break to allow audience back in room to continue public meeting)

The board directed the division to write temporary rules addressing the board's concerns regarding program delegation standards.

IV. New business

Board review and provide a recommendation to the Administrator for consideration of proposed code changes to amend temporary service requirements

Keith Anderson, electrical program chief, Policy and Technical Services, said that at the July 28, 2016, Electrical and Elevator Board meeting, the board heard testimony from an electrical contractor who explained that some utilities fail to provide timely AFC information, which delays the energizing of temporary services. Because of that the completion of construction projects are extended significantly.

Chief Anderson said that because the current code combined with utility practices are creating equipment safety issues, the division is proposing to amend the Oregon Electrical Specialty Code to allow temporary services to be energized without demonstrating compliance with OESC 110.10 and 110.24(A).

Brett Welland, chief electrical inspector, City of Portland, Bureau of Development Services, proposed that prior to demonstrating compliance, a temporary service is allowed to be energized at the discretion of the supervising electrician. *(Mr. Welland submitted written testimony)*

Motion by Timothy Frew to recommend that the division proceed to rulemaking with the proposed amendments to the OESC with the finding that the added cost, if any, is necessary to the health and safety of the occupants or the public or necessary to conserve scarce resources.

Motion carried unanimously

V. Adjournment

Chair Weaver adjourned the meeting at 11:05 a.m.

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

Electrical and Elevator Board
Additional teleconference meeting minutes
September 9, 2016

Members present: Michael Weaver, electrical contractor, Chair
Heather Miller, journeyman electrician, Vice-chair
Thomas Faires, elevator manufacturing
Timothy Frew, journeyman electrician
Scott Hall, electrical equipment supplier
Joseph Pugh, public member
Robert Pyne, journeyman elevator installer
Randy Smith, electrical inspector
James Totten, owner or manager of a commercial office building
Steven Trapp, electrical contractor

Members absent: Steven Trapp, electrical contractor
Vacant, building official
Vacant, commercial underwriter
Vacant, electrical equipment manufacturing rep
Vacant, industrial plant employing electricians
Vacant, power and light industry

Staff present: Brett Salmon, manager, Policy and Technical Services
Keith Anderson, electrical program chief, Policy and Technical Services
Shawn Haggin, electrical program assistant chief, Policy and Technical Services
Alana Cox, senior policy advisor, Policy and Technical Services
Tyler Larson, policy analyst, Policy and Technical Services
Debi Barnes-Woods, boards administrator, Policy and Technical Services

Guests present: None

I. Board business

A. Call to order

Chairman Michael Weaver called the additional Electrical and Elevator Board teleconference meeting of September 9, 2016, to order at 9:59 a.m. The meeting was held at the Building Codes Division in Conference Room A, 1535 Edgewater Street NW, Salem, Oregon.

B. Roll call

Steven Trapp was absent excused. Robert Pyne connected by teleconference at 10:05 a.m.

The Electrical and Elevator Board has the following five vacancies: Building official, commercial underwriter, electrical equipment mfr. representative, industrial plant representative, and power and light industry.

C. Approval of the agenda to and the order of business

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

II. New business

Board review of draft amendments to Chapter 918 Division 308 related to standards for the electrical program delegation

Brett Salmon, manager, Policy and Technical Services, thanked the board for being connected for this additional board meeting. He said that at the board's August 24, 2016, meeting, the board directed the division to provide draft rules designed to address the board's concerns after hearing advice from counsel. Manager Salmon said that because of the proposed draft rule changes, the board should consider extending the program delegation deadline from October 1 to November 1 for this year.

(Robert Pyne connected by teleconference at 10:05 a.m.)

Tyler Larson, policy analyst, Policy and Technical Services, said that the proposed draft rules address the board's immediate concerns regarding:

- Standards for service levels
- Standards for evaluating financial feasibility for proposed program
- Compliance efforts necessary to receive a program

The board was concerned that the new language added to the standard for evaluating financial feasibility was too open. Members suggested projected revenues be based on historical data of the past four years.

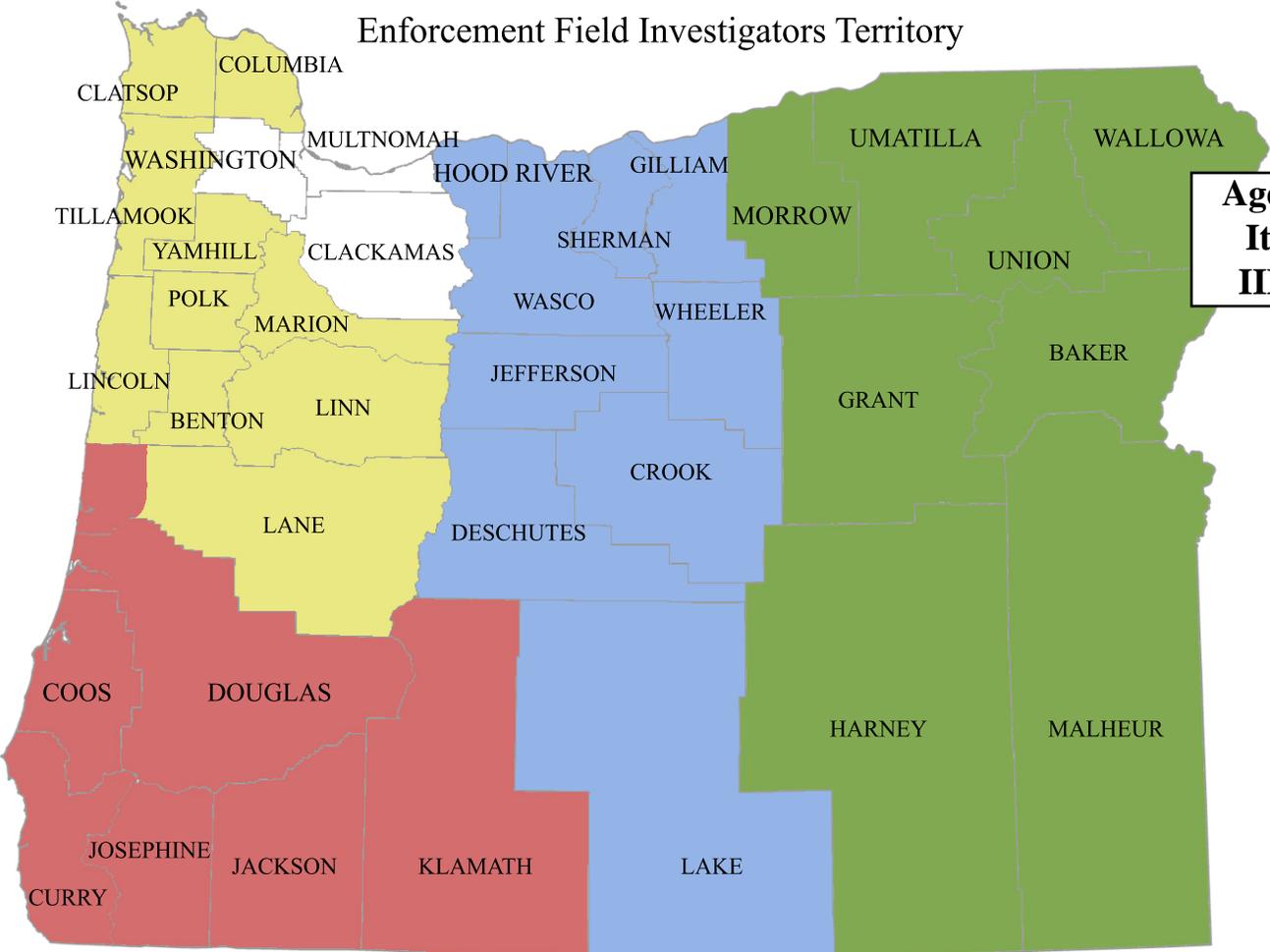
Chair Weaver wanted to see language in the draft rules that establishes minimum staffing levels that specifically considers inspectors and plan reviewers.

III. Adjournment

Chair Weaver adjourned the meeting at 10:25 a.m.

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

Enforcement Field Investigators Territory



**Agenda
Item
III.C.**

 Russ Darling, 503-378-2890

 Chris Titus, 503-378-8094

 Skip Smith, 503-551-3404

 Dan Wittekind, 503-378-6988

 Shared by Russ, Dan & Chris

Note: coast range territory lines are estimated.

Updated 8/29/16

Electrical and Elevator Board Enforcement Report for September 22, 2016

Agenda Item III.D.

Summary Report - Cases Previously Resolved by Division

Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2016-0087 Bill	Robben Inc.	Installation of water heaters. Disconnection of electrical wiring and installation of new electrical receptacle. <ul style="list-style-type: none"> •Allowing unlicensed individuals to perform electrical work. •No electrical permit. 	Lincoln City	November 2015 to 2016	\$8,000*	\$2,500	Consent Order. Related to C2016-0088. Complaint submitted by Lincoln City building official.
C2016-0088 Bill	Robben, Greg	Installation of water heaters. Disconnection of electrical wiring and installation of new electrical receptacle. <ul style="list-style-type: none"> •Allowing unlicensed individuals to perform electrical work. •No signing supervisor electrician license. 	Lincoln City	November 2015 to 2016	\$2,000	\$500	Consent Order. Related to C2016-0088. Complaint submitted by Lincoln City building official.
C2015-0243 Russ	Harkins, John M.	Installation of two fuse boxes and running of electrical conduit containing electrical wiring. <ul style="list-style-type: none"> •No electrical contractor license. •No journeyman electrical license. •No electrical permit. 	Albany	September 2015	\$6,000	\$6,000	Default Order. Complaint submitted by CCB field investigator.
C2016-0105 Dan	Lund, Mitch	Installation of metal-clad conduit that attached to an electrical panel. <ul style="list-style-type: none"> •Allowing unlicensed individuals to perform electrical work. 	Portland	April 2016	\$2,000	\$2,000	Default Order. Complaint submitted by BCD field investigator.

Electrical and Elevator Board Enforcement Report for September 22, 2016

Summary Report - Cases Previously Resolved by Division							
Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2015-0185 Russ	Bates Industries, Inc. dba G & E Electric Inc.	Installation of electrical panel and main breakers; new heating units and thermostats; light fixtures; transfer switch, receptacles, etc. <ul style="list-style-type: none"> •No electrical permit •Did not continuously employ a signing supervisor •No signing supervisor license •Aided and abetted another to violate licensing laws •Provided false information to obtain permit 	Various Oregon locations	January 2015 to August 2015	\$23,000	\$23,000	Default Order Complaint submitted by City of Albany electrical inspector
C2016-0085 Skip	Bear Valley Construction LLC	Installation of a light fixture. <ul style="list-style-type: none"> •No electrical contractors license •No electrical permit 	Klamath Falls	April 2016	\$8,000*	\$8,000	Default Order. Complaint submitted by license enforcement person.
C2016-0086 Skip	Belden, Steven	Installation of a light fixture. <ul style="list-style-type: none"> •No journeyman electrician license 	Klamath Falls	April 2016	\$4,000*	\$1,500	Consent Order. Related to C2016-0085 Complaint submitted by license enforcement person.
C2015-0070 Russ	McPeek, Mark Lee	Rewired and replaced an electrical wall outlet. Rewired and replaced a hot tub pump unit. Installation of new light fixture. <ul style="list-style-type: none"> •Allowing unlicensed individuals to perform electrical work •No journeyman electrician license •No electrical permit 	Coos Bay	2012-2015	\$8,000*	\$8,000	Default Order. Complaint submitted by BCD field investigator.
C2016-0049 Bill	Membrahtu, Amanuel G.	Installation of electrical wiring, an electrical service panel, electrical outlets and smoke detectors. <ul style="list-style-type: none"> •No journeyman electrician license 	Portland	January 2016	\$4,000*	\$1,500	Consent Order. Related to C2016-0048. Complaint submitted by City of Portland electrical inspector.

Electrical and Elevator Board Enforcement Report for September 22, 2016

Summary Report - Cases Previously Resolved by Division							
Case #	Name	Violation	Location of Violation	Date of Violation	Penalty Assessed	Penalty to Pay	Other Comments
C2015-0099 Dan	Porterfield, Mikol	Installation of medical grade 12-gauge metal clad wiring. •No journeyman electrician license	McMinnville	May 2015	\$2,000	\$2,000	Default Order. Related to C2015-0098 and C2015-0136. Complaint submitted by license enforcement person.
C2016-0148 Anthony	DC Graham Construction, LLC dba Bend Handyman Service	Advertised on the web for electrical services; such as install lighting, light switches, wall plugs, ceiling fans. •No electrical contractors license	Bend	2016	\$6,000*	\$1,000	Consent Order. Related to C2016-0027. Complaint submitted by BCD field investigator.
C2016-0295 Dan	Borgaro, Branden S.	Installation of ceiling fans, dome lights and pendant lights. •No journeyman electrician license	Millersburg	July 2016	\$2,000	\$750	Consent Order. Related to C2016-0296. Complaint submitted by BCD field investigator.

Electrical and Elevator Board Enforcement Report for September 22, 2016

**Agenda
Item
III.E.**

License Suspensions, Revocations and Conditioned (Director Action)			
Case #	Name	Suspension/Revocation/Conditioned Information	Other Comments
C2016-0152	Soledad Electric, Inc. abn Ampere Electric	Respondent's electrical contractors license has been revoked for non-payment of civil penalties.	Default Order.
C2015-0185	Bates Industries, Inc. dba G & E Electric Inc.	Respondent's electrical contractors license has been revoked.	Default Order.

Agenda Item VI.

State of Oregon

Board memo

Building Codes Division

September 22, 2016

To: The Electrical and Elevator Board

From: Brett Salmon, manager, Policy and Technical Services

Subject: Proposed amendments to OAR Chapter 918 Division 308, standards for electrical program delegation

Action requested:

Consideration of proposed amendments to Chapter 918 Division 308 related to standards for electrical program delegation.

Background:

The Electrical and Elevator Board has adopted standards for municipalities seeking delegation of an electrical inspection program since 1993. These standards were last updated in 2008.

The City of Turner applied for delegation of a building inspection program, including an electrical inspection program, in September of 2015. The City's third-party contractor appeared before the board to present the City's application at the November 19, 2015, and January 28, 2016, board meetings. The board raised concerns regarding the contractor's proposed service levels and inspector availability, the fiscal impact of losing the program on the current provider of electrical inspection services, and several deficiencies in the contractor's proposed operating plan. The division denied the City's application for delegation of a building inspection program in March of 2016.

The City filed a suit in circuit court seeking judicial review of that denial in April of 2016. This suit triggered a review of the board's standards for electrical program delegation. At the August 24, 2016, board meeting, the board's counsel noted several areas of concern in the board's delegation rules and recommended the board take action to reduce its risk as it evaluates future applicants. After conferring with counsel, the board directed the division to provide draft proposed rules designed to address the most immediate of these concerns.

At the September 9, 2016, board meeting, the division presented the board with draft proposed rules. The board requested the division further clarify the standards for developing estimated program revenues and evaluating the plan review and inspection staff necessary to provide timely program service.

The division made changes as directed by the board and also suggested a one-time extension date to provide additional time to local government considering program delegation. The board also recommended adopting temporary rules based on feedback from counsel.

The updated proposed amendments clarify the standards for program delegation, including:

- Service each weekday
- Standards for a financially viable program, including:
 - Projected revenues and activity levels which are based on recent historical data
 - Program expenses which reflect the staff necessary to provide timely service based on the projected activity levels
 - Indemnity agreements and minimum insurance
 - No fee increases for the first two years of program operation
- A more detailed compliance plan which includes reporting compliance data to the board
- Temporarily extending the application deadline from October 1 to November 1

Options:

- Recommend the division adopt temporary rules and proceed to permanent rulemaking with proposed amendments to OAR 918-308
- Amend the proposed amendments to OAR 918-308 and recommend the division adopt temporary rules and proceed to permanent rulemaking
- Take no action on the proposed amendments to OAR 918-308

918-308-0000

Electrical Delegation Rules

(1) The rules in OAR 918-308-0000 to 918-308-0430 shall be referred to as the Electrical Delegation Rules.

(2) For the purposes of OAR chapter 918 division 308, unless otherwise specified, “third party” means a person or business required to be licensed under ORS 455.457.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96

918-308-0010

Standards for Delegation

Municipalities seeking initial delegation of an electrical program under ORS chapters 455 and 479 shall meet the requirements of OAR 918-308-0010 to 918-308-0180. Administration

and enforcement of the electrical program shall only be delegated under ORS 479.855 to municipalities meeting the following minimum performance standards:

(1) The municipality shall be ready, willing and able to fully operate the electrical program on the effective date of delegation, July 1, except when a municipality is assuming the program from the division.

(2) The municipality shall create and maintain minimum services at least **each weekday, excluding holidays as defined in ORS 187.010, to include** ~~reasonably the same level as the electrical administrative, enforcement, and inspection services presently provided to the area.~~

Minimum administrative, enforcement, and inspection services include the “Ongoing Requirements” in the Electrical Delegation Rules.

(3) Operation of the program shall be financially feasible without unduly increasing short or long-term costs of electrical inspection services to the public, both in the areas delegated and, if applicable, the remaining program in the surrounding area. **To be considered financially**

feasible, the municipality must:

(a) Demonstrate that feasibility to the satisfaction of the Board by providing:

(A) Projected electric program revenue for the first two years of program operation, which is based on the program revenues collected for work in that municipality by the current service provider for the most recent four fiscal years preceding the date of application;

(B) Projected electric program activity for the first two years of program operation, which is based on the permits issued for work in that municipality by the current service provider for the most recent four fiscal years up to the date of application; and,

(C) Projected electrical program expenses for the first two years of program operation which includes the plan review and inspection staff necessary to serve projected program activity; and,

(D) Any other information as requested by the Board.

(b) Agree, as a condition of delegation, to indemnify the State for any and all claims related to any personal injury, death, or property damage arising from any act, omission, or error on the part of the municipality in the operation of the electrical program;

(c) If contracting with a third party to provide some or all of the services of the jurisdiction's electrical program, include a provision in its contract with the third party in which the third party agrees to indemnify the municipality and the State for any and all claims related to any personal injury, death or property damage arising from any act, omission, or error on the part of the contractor in its work the municipality's electrical program;

(d) Agree, as a condition of delegation, that it shall not adopt or implement any fee increases for the first two years of its initial operation term;

(e) Carry a minimum of \$1,500,000 per occurrence of insurance against tort liability and property damage arising out of acts, errors, and omissions in its operation of the electrical program; and,

(f) If contracting with a third party to provide some or all of the services of the jurisdiction's electrical program, demonstrate that the third party carries a minimum of \$1,500,000 per occurrence of insurance against tort liability and property damage arising out of the acts, errors, and omissions in its work for the municipality's electrical program.

(4) The municipality shall demonstrate its ability to carry out the proposed electrical program.

(5) The requirements in the Electrical Delegation Rules are in addition to rules adopted by the department in OAR 918-020-0070 through 918-020-0220 for municipalities that apply to

undertake inspection programs. **When any provision of this section conflicts with or contains greater, more stringent, or more detailed requirements than another section of this division, this section shall control.**

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-300-0100; BCD 8-2008(Temp), f. & cert. ef. 6-19-08 thru 12-15-08; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0020

Check List for Application for Delegation of Electrical Program

Except when a municipality requests responsibility for an electrical program administered by the division, a municipality seeking delegation or renewal of delegation of the electrical program shall:

- (1) Comply with ORS 455.148 or 455.150; and
- (2) File an application for delegation of the electrical program under the Electrical Delegation Rules, if the municipality is applying for delegation for the first time. The application shall:
 - (a) Be filed by the governing body of the municipality by October 1 prior to the year for which delegation is sought;
 - (b) Be based on a resolution of the municipality formally authorizing the application, and representing if the application is granted, that the municipality and all persons under it will comply with and be bound by the Electrical Delegation Rules;
 - (c) Include a proposed ordinance for administration and enforcement of the electrical program;
 - (d) Include an operating plan showing it meets the minimum standards for delegation in the Electrical Delegation Rules; and
 - (e) Note any differences in services or inspections from present services and inspections to be provided upon delegation.
- (3) If the municipality is requesting its first renewal, it shall file relevant amendments or updates to its initial application and note this is its first renewal application.
- (4) A municipality requesting delegation of the electrical program administered by the division must meet the requirements of ORS 455.148(7) and 11(c). Notwithstanding the timelines in

455.148(11)(c), a municipality assuming the program from the division must submit an assumption plan prior to administering the program.

(5) For municipalities requesting to assume delegation of the electrical program effective July 1, 2017, the deadline established in subsection (2)(a) of this rule shall be November 1, 2016.

Stat. Auth.: ORS 479.730

Stats. Implemented: ORS 479.855, 455.148 & 455.150

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96, Renumbered from 918-300-0130; BCD 28-2002(Temp), f. & cert. ef. 10-1-02 thru 3-29-03; BCD 36-2002, f. 12-31-02, cert, ef. 1-1-03; BCD 8-2008(Temp), f. & cert. ef. 6-19-08 thru 12-15-08; BCD 23-2008, f. 9-30-08, cert. ef. 10-1-08

918-308-0160

Plan for Compliance

(1) The municipality shall have a plan on how electrical permit and code violations will be handled. It shall have an ordinance allowing enforcement actions for violations.

(2) The plan shall describe in detail how the municipality will carry out compliance actions, including the number of staff members who will perform investigations, qualifications of those staff members, number of days per week those staff members will conduct investigations, and a description of how those staff will conduct checks for electrical licensure on jobsites, including how jobsites will be identified and selected for investigation.

(3) The municipality shall report data as required by the Board and shall annually report compliance actions taken pursuant to the enforcement of the electrical inspection program.

Stat. Auth.: ORS 479.855

Stats. Implemented: ORS 479.855

Hist.: BCA 21-1993, f. 10-5-93, cert. ef. 12-1-93; BCD 19-1996, f. 9-17-96, cert. ef. 10-1-96; Renumbered from 918-300-0330

State of Oregon

Board memo

Building Codes Division

September 22, 2016

To: The Electrical and Elevator Board

From: Richard Baumann, policy analyst, Policy and Technical Services

Subject: Continuing Education Course Approval Process

Action requested:

Electrical and Elevator Board consideration of the Continuing Education Committee's recommendations regarding continuing education courses and instructors.

Background:

The Electrical and Elevator Board establishes continuing education (CE) requirements for all electrical licensees in order to ensure licensees possess up-to-date knowledge of the code and administrative requirements. They set standards for approval of courses and instructors in order to have a sufficient number and variety of CE courses available to licensees. The board's continuing education committee has been meeting to evaluate courses and instructors on the board's behalf. The committee met on August 9, 2016, to review CE course and instructor applications. The committee reviewed 26 applications from 8 organizations:

- 6 courses were recommended for approval.
- 3 courses were recommended for denial.
- 5 instructors were recommended for approval.
- No instructors were recommended for denial.
- 6 applications are pending waiting for additional information from the provider.
- 6 applications did not receive a recommendation.

See attached summary for more information.

In addition to the Oregon Rule and Law criteria, the committee is using the following when reviewing applications:

- NFPA 70E courses are eligible for a maximum of eight hours code-related credits.
- OSHA 10 courses are eligible for a maximum of four hours code-related credits.

- OSHA 30 courses are eligible for a maximum of sixteen hours code-related credits.
- First Aid/CPR courses are eligible for a maximum of four hours code-related credits (two hours for each course).
- For correspondence courses – Provider must submit complete course.
- For online courses – Provider must submit a log-on or screen shots of course content.

Options:

- Approve the committee's recommendations for approval or denial of courses or instructors.
- Amend and approve the committee's recommendation for approval or denial of courses or instructors.
- Disapprove the committee's recommendation for approval or denial of courses or instructors.

**Electrical and Elevator Board
Committee on Continuing Education Course and Instructor Review
9/22/16**

Courses

	Applicant	Course Name	Committee Recommendation	Board Action
1	D2000 Safety, Inc.	Excavation Safety: Competent Person (7 hours ORL)	Deny – this course is not in one of the safety related categories that the board considers for electrical continuing education credit.	
2	e-Hazard Management, LLC	OSHA 1910.269 Safety & Arc Hazard Awareness (since renamed Arc Flash Safety for Utilities) (5 hours CR)	Deny – this course is not equivalent to NFPA 70E arc flash safety courses that the board has been considering for electrical continuing education credit.	
3	The Media Factory, Inc.	Oregon Rule and Law for Electricians – 2014 (4 hours ORL)	Approve – board approved instructor on file.	
4	IBEW Local #46	Hazardous Location Basics (8 hours CR)	Approve	
5	IBEW Local #46	Residential Wiring (8 hours CR)	Approve	
6	IBEW Local #46	Soares Grounding – Part 3 (8 hours CR)	Approve	
7	IBEW Local #46	AHA First Aid/CPR/AED (4 hours CR)	Approve	
8	Electrical Training NW	Hazardous Locations (8 hours CR)	Approve – board approved instructor on file.	
9	McDonald-Miller Facility Solutions	Aerial Lift Training (4 hours ORL)	Deny – this course is not in one of the safety related categories that the board considers for electrical continuing education credit.	

Instructors

	Applicant	Committee Recommendation	Board Action
1	James Johnson D2000 Safety, Inc.	No recommendation – course associated with this instructor was recommended for denial.	
2	Doug Caven D2000 Safety, Inc.	No recommendation – course associated with this instructor was recommended for denial.	
3	Marcia Eblen e-Hazard Management, LLC	No recommendation – course associated with this instructor was recommended for denial. This instructor is currently approved by the board to teach other approved courses.	
4	Rick Feese IBEW Local #46	Approve	
5	William Green IBEW Local #46	Approve	
6	Benjamin Monti IBEW Local #46	Approve	
7	Warren Shill IBEW Local #46	Approve	
8	Michael McNeely IBEW Local #46	Approve	
9	Mike Miers National Technology Transfer, Inc.	No recommendation – applicant currently approved by the board and qualifications are sufficient for level of instruction.	
10	Paul Rosenberg National Technology Transfer, Inc.	No recommendation – applicant currently approved by the board and qualifications are sufficient for level of instruction.	
11	Seth LaRiviere McDonald-Miller	No recommendation – course associated with this instructor was recommended for denial.	

Applications Pending

	Applicant	Course Name	Information Requested by Committee
1	National Technology Transfer, Inc.	2017 National Electrical Code and NEC Applications (24 hours CR)	OAR 918-035-0050(1) specifies code change course content. This course does not currently meet the criteria. The committee suggested tabling review of this course.
2	Jim Bosshart National Technology Transfer, Inc.	Instructor	Applicant did not provide sufficient proof of qualifications.
3	EC&M Workplace Learning Center	EC&M's 2017 NEC Code Change Conference (16 hours CC)	OAR 918-035-0050(1) specifies code change course content. This course does not currently meet the criteria. The committee suggested tabling review of this course.
4	Orson Christiansen National Technology Transfer, Inc.	Instructor	Applicant did not provide sufficient proof of qualifications.
5	Michael Fontaine National Technology Transfer, Inc.	Instructor	Applicant did not provide sufficient proof of qualifications.
6	Ron Hughes National Technology Transfer, Inc.	Instructor	Applicant did not provide sufficient proof of qualifications.

August 2, 2016

**Agenda
Item
VII.B.**

Oregon Electrical Board
Building Codes Division
Department of Consumer & Business Services
1535 Edgewater Street NW
Salem, OR 97304

Dear Members of the Board:

We are an approved provider of electrical safety training for Oregon licensed electricians. I would like to request that a student of our OSHA 1910.269 Safety & Arc Hazard Awareness course receive continuing education credit for the course he attended on September 22, 2015 in Redmond, Oregon.

I have submitted the course application, timed outline and CV of the instructor, Marcia Eblen, who has been previously approved. The student, Dwain Herschbach, has an Oregon supervisor license #4388S.

I am respectfully requesting that this course be approved for Oregon electricians retroactive to September 2015, and that Mr. Herschbach receive retroactive credit for the course toward his license.

If you have questions or would like any additional information, please contact me at the office listed below. Thank you very much for your consideration.

Sincerely,



Rosemarie L. Boyd
CEU Coordinator
e-Hazard