

State of Iowa Electrical Examining Board Meeting Minutes  
April 20, 2023  
Approved

Board Members Present

Tim Gerald, Vice Chair  
John Claeys  
Colby Black  
Luke Maloney  
Jonathan Gettler  
Luiza Fritz  
Amanda Cooling  
Michelle Payne

Board Member Present by Conference Call

Marg Stoldorf, Chairperson

Board Members Not Present

Dan Wood  
Jeremy Price

Staff Members Present

Brian Young, Executive Secretary  
John Lundquist, Assistant Attorney General, Iowa Attorney General's Office  
Cindi Hayes, Secretary 2

Public Present (In-person)

ERIKSEN CONSTRUCTION - Jenny Eriksen, Nick Eriksen  
CUTLER LAW FIRM/ERIKSEN CONSTRUCTION - Chuck Cutler  
NEBRASKA IOWA ELECTRICAL COUNCIL - Skip Morris  
KLINE ELECTRIC - Kylie Ayala, Jamison Carr, Jarrod Gray  
HAWKEYE COMMUNITY COLLEGE - Jerry Orr  
CITY OF DAVENPORT - Mike Anderson  
SULLIVAN TRAINING & CONSULTING - Dave Sullivan  
FINLEY LAW FIRM/PHILLIPS ELECTRIC/JEO CONSULTING - Rob Johnson  
CORNERHART ENTERPRISE - Jonathan Hart

Public Present (Conference Call)

ERIKSEN CONSTRUCTION - Todd Davey, Wes Murdock  
CITY OF HARTLEY - Rod Ahrenstorff, Mary Westphalen, Roxann Swanson, Nick Galm, Erica Haack,  
Brandon Krikke, Curtis Conaway  
IBEW LOCAL UNION 288 - Rich Kurtenbach  
WHITFIELD LAW FIRM/HOLSTEIN ELECTRIC - Steve Marso  
HOLSTEIN ELECTRIC - Mike Johnson, Nancy Johnson, Taylor Nees  
CHRISTENSEN CONSTRUCTION - Rod Behrens  
PKL LAW FIRM/CHRISTENSEN CONSTRUCTION - Brian Koerwitz  
CITY OF HOLSTEIN - Theresa Pudenz  
TRAVELERS INSURANCE - Frank Tantillo

VC Gerald called the meeting to order at 10:01 a.m., and asked for an introduction of Board members in person and by phone.

VC Gerald asked guests in attendance and by conference call, to introduce themselves.

VC Gerald moved to the first item on the agenda, which was “Approval of the meeting minutes from March 16, 2023”, and asked for any corrections; hearing none, a motion to approve was requested. CP Stoldorf made a **motion to approve the minutes as written**. Claeys **seconded** the motion. 9 Aye, 0 Nay. All in favor; motion carried unanimously.

The next item on the agenda was “Report of the Executive Secretary”, and VC Gerald turned the meeting over to ES Young.

The first item on ES Young’s report was “March financial report”, which was previously provided to the Board for their review; he directed the Board’s attention to revenue and expense items. ES Young stated that the licensing budget quota had been met.

The next item on ES Young’s report was, “Vote on civil penalty letters for electricians working without licenses”. Those individuals receiving civil penalty letters were: Alonzo Zarate, John Altenhofen, Brent McHone, Mitchell Evans, Brandon Jacobs, Drew McGee, Cory Simalang, Andrew Conner, Dalton Miche, Jerry Williams Jr., Kyle Anderson and Alex Titus. CP Stoldorf made a **motion to approve the letters**. Cooling **seconded** the motion. 9 Aye, 0 Nay. All in favor; motion carried unanimously.

The next item on ES Young’s report was, “Waiver Request Nebraska Iowa Electrical Council – Skip Morris – Course taught w/o approved instructor”. ES Young stated that the instructor has now been approved to teach continuing education and asked for Mr. Morris to explain how this situation came about. The approved instructor had become ill and due to the short notice, Mr. Morris did not want to cancel the classes and allowed a non-approved instructor to teach two approved classes. Following Mr. Morris’ explanation, AAG Lundquist added that since the instructor has now been approved and to not allow any undue hardship to the electricians attending the classes, the course should be credited to the attendees, as this was shortly before licenses were to be renewed. ES Young went on to state he wished Mr. Morris would have contacted him when this became an issue. VC Gerald called for a motion. Fritz made a **motion to approve the waiver**. Cooling **seconded** the motion. 8 Aye, 1 Nay (Stoldorf). Motion carried.

ES Young turned the floor over to VC Gerald. The next item on the agenda was, “Waiver Request Hartley Aquatic Center Remediation Plan”.

AAG Lundquist stated that through its attorney, Charles Cutler, Eriksen Construction is seeking input from the Board as to whether or not their remediation plan is acceptable to meet the requirements of the National Electrical Code (NEC) and allow for proper inspections to take place. The proposed remediation plan was conditioned upon the pool shell passing inspection without necessitating the removal of concrete. Of particular concern to the Investigative Subcommittee, when it initially reviewed the plan, was whether it could be confirmed that steel wire ties were used when tying the rebar within the shell of the pool.

In response from the Investigative Subcommittee’s initial letter to Erikson Construction outlining their concerns, Mr. Cutler has submitted additional information including photographs taken during installation, design specifications, affidavits from installation personnel through which they provided information relating to the installation of the rebar and wire ties with cut-sheets of the material used, and a statement

from the project design engineer. Upon review of this additional information, the Investigative Subcommittee believed that the rebar tying did take place and was consistent with NEC requirements.

AAG Lundquist stated that per Iowa Code 103.31, where wiring is to be concealed, the inspector must be notified within a reasonable time to complete rough-in inspections prior to concealment. If wiring is concealed before rough-in inspection(s) without adequate notice having been given to the inspector, the person/firm responsible for having enclosed the wiring shall be responsible for all costs resulting from uncovering and replacing the cover material. Given that the pool shell was completed before an in-person inspection was requested, Eriksen Construction requested that the Board rely on alternative inspection methods or alternative means of establishing that those portions of the concealed rebar were, in fact, tied consistent with NEC requirements. In determining whether alternative inspection methods should be utilized in this case, the Board requested Eriksen Construction to address the criteria of a waiver applicable to administrative rules.

AAG Lundquist then opened the floor to the Board, Eriksen Construction, and the City of Hartley for questions and comments. After discussion, VC Gerald called for a motion. Fritz made a **motion** that the Board **approve the request and enter a finding that the totality of the information presented was adequate to establish to the Board's satisfaction that the rebar reinforcing steel within the pool shell was tied with steel wire ties as required by the NEC.** Maloney **seconded** the motion. 7 Aye, 2 Nay. Motion carried, with roll call vote as follows:

- Maloney – Aye
- Claeys – Aye
- Gettler – Aye
- Fritz – Aye
- Black – Aye
- Gerald – Aye
- Cooling – Nay
- Payne – Aye
- Stoldorf – Nay

AAG Lundquist stated he would prepare a written ruling for the Board's approval based on this outcome.

The next item on the agenda was, "Waiver Request Holstein Aquatic Center". AAG Lundquist stated that some inspections were done, but not all, prior to concrete being poured. When the Investigative Subcommittee reviewed the materials submitted through attorney Steve Marso, on behalf of Holstein Electric, in support of approving alternative inspection methods for this project, it was the Subcommittee's initial view that they could not establish if the equipotential bonding ring was correctly installed within the first three feet of the pool deck as required in NEC 680.26.

Christensen Construction subsequently removed the first three feet of the pool deck, and Holstein Electric was present to complete the bonding of the reinforcing steel within the replacement decking. The State's Electrical Inspector returned to inspect, and verified the bonding was consistent with the NEC. After which the final inspection for this project has passed.

AAG Lundquist went on to state that even though the project has now received a final passing electrical inspection, Mr. Marso has requested that the Board still render a final ruling on his original request for alternative inspection methods. Mr. Marso then spoke in support of his request. Attorney Brian Koerwitz provided comments on behalf of Christensen Construction. AAG Lundquist then asked if anyone from the City of Holstein would like to comment and there were no comments. Finally, attorney Rob Johnson made comments on behalf of JEO Consulting.

AAG Lundquist then went on to explain and summarize the findings of the Investigative Subcommittee. The Subcommittee felt that the information submitted by Holstein Electric was not adequate to establish that the bonding ring, conductors, and clamps were installed within the pool deck consistent with the NEC. Before additional information could be submitted in support of Holstein Electric's request, the general contractor decided to remove the first three feet of pool decking, in question, and have it properly inspected, after which the concrete would be reinstalled. A final passing electrical inspection followed.

Mr. Marso was then given an opportunity to present any final comments. After discussion among the Board members, VC Gerald called for a motion. CP Stoldorf made a **motion that staff prepare a ruling for the Board's future review denying the request given the fact that the pool has been completed and has passed final inspection**. Maloney **seconded** the motion. 9 Aye, 0 Nay. All in favor; motion carried unanimously.

At 12:11 p.m., VC Gerald called for a 5 minute recess.

Upon reconvening, VC Gerald moved to the next item on the agenda, "2023 National Electrical Code Adoption Update". VC Gerald stated that there is a moratorium on Administrative Rules, with Executive Order 10 in place. VC Gerald would still like to continue with receiving public response regarding the adoption of the 2023 NEC, for consideration by the Rules subcommittee. Then when the moratorium is lifted, the subcommittee would be ready to go forward with a plan to adopt the 2023 NEC. AAG Lundquist stated there are possible paths forward should the moratorium continue longer than the planned adoption date of January 1, 2024.

The next item on the agenda was "Discuss Journeyman Testing Requirements". Kylie Ayala with Kline Electric is asking for the Board to consider changing the number of required on-the-job training (OJT) hours from 8,000 hours to 7,000 hours, and after completing the required 576 hours of classroom education, testing sponsorship would be approved for journeyman testing. Ms. Ayala expressed to the Board that she believes their apprentices are lacking initiative and motivation to sit for the exam after completing the classroom hours, which is considered their graduation, and that it may take some apprentices up to one year past their graduation, to complete the 8,000 OJT hour requirement. She feels that the amount of time to complete the 8,000 hours, after they complete their classroom hours, causes their apprentices to lose motivation to sit for the journeyman exam. Ms. Ayala thanked the Board for their time and consideration.

Jerry Orr, Trade and Industry Coordinator for Hawkeye Community College, also feels that the journeyman exam passing rate would be higher with lowering the number of OJT hours to 7,000 for their four year apprentice program. The apprentice curriculum at Hawkeye, for those in their final year of school, concentrates on exam preparation and feels it can highly influence the pass rate if someone has to wait up to a year to complete their 8,000 OJT hours before they can sit for the exam. Mr. Orr thanked the Board for their time and consideration.

ES Young explained the current process for sponsorship and confirmed the US DOL completion certificate guaranteed issuance of the journeyman license after successful passing of the journeyman exam. ES Young stated that Hawkeye Community College offers a four year apprentice program (48 months). Currently, union affiliated US DOL apprentices attend a five year program (60 months) and they will have over 8,000 OJT hours prior to graduating at 5 years. ES Young thanked them for their information and he will bring this matter to the Education Subcommittee for further discussion.

Due to the public hearing scheduled to start at 1:00 p.m., VC Gerald re-arranged the agenda to consider the "Public Comment Period", however, the public in attendance had no comments.

At 1:00 p.m. VC Gerald called for a 15 minute recess prior to starting the formal hearing.

The next item on the agenda was, "Formal Hearing #2 – Case #22-021 & 22-022. VC Gerald turned the meeting over to the Administrative Law Judge (ALJ) to preside.

Formal hearing was conducted by the board which was recorded as required by Iowa Code Chapter 17A.

Upon conclusion of the formal hearing , Maloney made a **motion for the Board to go into closed session** pursuant to Iowa Code section 21.5(1)(f) to discuss the decision to be rendered in a contested case hearing conducted according to the provisions of Iowa Code chapter 17A. VC Gerald **seconded** the motion. Motion carried unanimously, with roll call vote as follows:

Claeys – Aye  
Gettler – Aye  
Fritz – Aye  
Black – Aye  
Gerald – Aye  
Cooling – Aye  
Payne – Aye  
Maloney – Aye  
Stoldorf – Aye

Board left Closed Session at 2:50 p.m. (Corresponding Minutes are omitted and not public).  
Board returned to Open Session at 2:51 p.m.

#### OPEN MINUTES RESUME

The next item on the agenda was, "Other Board business". VC Gerald stated the next Board meeting will be June 15, 2023.

VC Gerald called for a motion to adjourn the meeting. Maloney made a **motion to adjourn**. Claeys **seconded** the motion. 9 Aye, 0 Nay. All in favor; motion carried unanimously. Meeting adjourned at 2:52 p.m.

Respectfully submitted,

Cindi Hayes, Secretary 2