

The Montana State Conference of Electrical Workers

Composed of
Montana Local Unions



Representing Over
4000 I.B.E.W. Members

STATE ADMIN.

EXHIBIT NO. 5

DATE 3-14-05

FILE NO. SR-12

January 21, 2005

Senators of the State Administration Committee:
RE: MT Electrical Board Appointment – Burl French

Burl French was appointed to the MT Electrical Board in 2003 for a 5-year term. I have been going to the quarterly MT Electrical Board meetings since 1998 and have thoroughly read and researched the history of the board since its inception in 1965. I have never read about or personally witnessed the amount of turmoil that has been created in the past two years.

There have been two statewide petitions (with a third one coming up soon) dealing with board interpretation of unlicensed practice. The petitions ask the board to stay in compliance with statute and protect the lives & property of Montanans, keeping all electrical work licensed. An administrative rules committee, chaired by Burl French, which I also sit on, recently voted on many items dealing with licensed/unlicensed work. Even when I presented the A.R.M. committee with historical board practice and precedent showing the need for licensed practice, Mr. French voted to exempt drilling/punching holes in wood/metal studs from licensing and send this recommendation to the board for a proposed administrative rule.

By converting any licensed work to unlicensed work the board is starting down a slippery slope as licensure ensures a level of accountability regarding the minimum standards of electrical installation. Unlicensed individuals simply don't have the knowledge to be aware of the magnitude of mistakes that they will cause. By voting for unlicensed electrical practice Mr. French has shown an utter disdain for the safety of lives.

Attached you will find five pages dealing with Mr. French and the MT Electrical Board.

Page 1 – 6/22/1982

Letter from the State Electrical Board to Mr. French informing him that he has been doing electrical work without being licensed as an electrician or electrical contractor.

Page 2 – 11/16&17/1992

Page 1 of Electrical Board minutes showing date of board meeting

Page 3 – 11/16&17/1992

Page 9 of Electrical Board minutes showing that Mr. French was employing someone to do electrical work when they weren't licensed or registered as an apprentice. Mr. French stated that he honestly did not know that someone that wasn't licensed had to go through an apprenticeship. How could this be true when he had dealt with the board 10 years previously for his own unlicensed practice? A letter of censure was placed in Mr. French's file.

Page 4 – 11/25/2003

This is an email from Mr. French to the rest of the A.R.M. committee dealing with what will be licensed/unlicensed practice. Mr. French states in his email “Keep in mind that public safety is a major concern”, but yet votes to make most of the list unlicensed practice. Mr. French did eventually change his mind at the 1/12/05 A.R.M. committee meeting except still contends and did vote to make licensed work of drilling/punching wood/metal studs unlicensed work which jeopardizes the safety of the public. This is in direct conflict with the wishes of the public and long-standing board practice.

Page 5 – 1/4/2005

This is an email from Mr. French to the rest of the A.R.M. committee pertaining to the 1/12/2005 meeting. Mr. French states “I just want to let everyone know that there will be no public comment at this meeting.....This is not the time in the process for public comment.” After a few emails and a meeting with the D.O.L. Professional & Occupational Licensing public comment was allowed at that meeting, but the blatant disregard for MT statute and public participation shown by Mr. French is contemptible.

For these reasons the Montana State Conference of Electrical Workers requests that you protect the public and do not confirm Burl French to the Montana State Electrical Board.

Thank you,

A handwritten signature in black ink, appearing to read "Keith Allen", written in a cursive style.

Keith Allen

**MONTANA STATE ELECTRICAL BOARD
MINUTES - ROUGH DRAFT
NOVEMBER 16, & 17, 1992**

CONVENES: The meeting was called to order by Chairman Charles T. Sweet at 9:00 a.m. in the conference room of the Building Codes Bureau, Helena, Montana.

ATTENDANCE: Charles T. Sweet, Chairman
Richard Leibrand, Board Member
Kenneth Olsen, Board Member
Louise Glimm, Board Member
Gene Kolstad, Board Member
Richard Kopel, Legal Counsel
William Jellison, Supervisor, Plumbing/
Mechanical/Electrical Safety Section.
Lisa Johnson, Recording Secretary

MINUTES: The minutes from the August 6 & 7, 1992 meeting were approved as submitted.

FINANCIAL REPORT: Mr. Kolstad moved the financial report be approved as submitted. Seconded by Mr. Olsen. Carried.

INTRODUCTIONS: Jim Brown, Bureau Chief of the Building Codes Bureau came to the meeting to discuss the reorganization of the Bureau. The Electrical Safety Section was eliminated and combined with the Plumbing and Mechanical Section which is now called the Plumbing/Mechanical/Electrical Section. This section is comprised of 14 Electrical Inspectors, 3 Plumbing/Mechanical Inspectors and an Electrical Plan Review position. William Jellison was introduced as the new supervisor of the Plumbing/Mechanical/Electrical Section. Mr. Jellison will sit in on the Electrical Board meetings and give any reports Elver Madsen used to give.

Any questions or complaints can be given to Mr. Jellison. Elver Madsen is now doing electrical plan reviews, code interpretations, inspector and electrical code training and about 1/2 time inspecting.

The Bureau has emergency approval to hire 5 additional inspectors due to the building boom, but it has to go through legislation to get funding. The Bureau did get approval from Governor's office to hire 2 additional

work at the Mint Bar without the required license. Mr. Sweet recommended starting proceedings for the revocation and/or suspension of Mr. Flesher's license because of on going and willful abuse of his license. So moved by Mr. Kolstad. Seconded by Mr. Olsen. Carried.

NW FUEL
SYSTEMS/BURL
FRENCH:

Burl French met with the Board to discuss the compliance order issued to him by Bob Frey, Electrical Inspector. The compliance order was issued because Mr. French was working Bob Miller in Hingham, Montana, at a time when Mr. Miller was not licensed nor registered as an apprentice.

An application for Bob Miller has been submitted for Board review. Mr. French said he will not work Mr. Miller until he finds out if his application is approved.

Mr. Jellison addressed Mr. French. He asked how Mr. Miller verified he has four years. Mr. French explained where Mr. Miller got his experience. Mr. Jellison asked Mr. French if he was not aware that they needed to go through an apprenticeship. Mr. French said he honestly did not know. Mr. Kopel suggested Mr. French read the laws and rules.

Mr. Leibrand moved a letter of censure be placed in Mr. French's file. Seconded by Mr. Olsen. Carried.

GEORGE KOLSTAD:

George Kolstad was scheduled to meet with the Board to discuss outstanding Compliance Orders at the Sleeping Buffalo Resort. Mr. Kolstad could not make the meeting due to personal problems. Mr. Olsen moved to table this matter and notify Mr. Kolstad, in writing that action will start with or without him at the next meeting. Include copies of the outstanding compliance orders and let him know his electrical permit has lapsed. Seconded by Mr. Leibrand. Carried.

A.T. KLEMENS:

Follow-up report on the letter from Bill Egan regarding A.T. Klemens. Bob Frey has not found any unlicensed persons working for A.T. Klemens.

WILLIAM
YIENGST:

Follow-up report on unlicensed persons working for William Yiengst. Larry Good found no more unlicensed persons working for

From: Burl French [BurlF@nwfuel.net]

Sent: Tuesday, November 25, 2003 2:13 PM

To: repholden@yahoo.com; marvin@libertyelectric.com; ibewmt@bresnan.net

Subject: comment on electrical tasks

Hi All

I would like to get the ball rolling on these tasks that we have been asked to clarify. Keep in mind that public safety is a major concern. I'm really looking for feedback and hope to encourage open discussion. Following is my take after looking through these for the first time. BURL FRENCH

Nailing Plastic boxes to studs-----N.L.E.
N.L.E.-----Non Lic.Electrician

Screwing metal boxes to studs-----N.L.E.

Drilling wood studs for raceway or romex---N.L.E.

Punching Metal studs for raceway-----N.L.E.

Pulling romex in studs-----L.E.
Electrician

Pulling wire in raceways-----L.E.

Hanging panel cans-----N.L.E.

Moving materials and tools-----N.L.E.

Hanging temporary lighting with cord end---L.E.

Installing connectors to boxes-----N.L.E.

Installing grounding pigtails in boxes-----N.L.E.

Stapling romex to studs-----L.E.

Installing PVCconduit in trench-----L.E.

Unboxing light fixtures-----N.L.E.

Setting lay-in light fixtures in the grid---N.L.E.

Installing seismic wires for lay-in light fixtures----- I'm not sure what seismic wires are

Installing earthquake clips on lay-in light fixtures---N.L.E.

Nailing recessed can lights to joists-----N.L.E.

NOTE - Mr. French did eventually change his position on all items except still contends and did vote to make licensed work of drilling and punching wood/metal studs unlicensed work which jeopardizes the safety of the public. This is in direct conflict with the wishes of the public and long-standing board practice.

L.E.-----Lic.

It is my opinion that the tasks that I have chose to be completed by a N.L.E. are tasks that a L.E. will be directly involved in during the wiring process, and if done incorrectly will be noticed and corrected.

ibew233

From: "Burl French" <BurlF@nwfuel.net>
To: <ibewmt@bresnan.net>; <repholden@yahoo.com>; <marvin@libertyelectric.com>
Sent: Tuesday, January 04, 2005 1:40 PM
Subject: committee meeting

Fellow Committee Members

I'm hearing that there is a lot of interest in the Wed. night meeting. I just want to let everyone know that there will be no public comment at this meeting. The public is welcome to attend to listen ect.. This is not the time in the process for public comment.

I thought that if you new of people that were planning on traveling long distance that it would our responsibility to let them know. See you Wed. night Thanks Burl

NOTE - Public comment was finally allowed at this meeting, but only after numerous emails to the DOL stating that there could be the possibility of a lawsuit and the nullification of any action taken.
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