

STATE OF MINNESOTA

STATE BUILDING CODE APPEALS BOARD

In the Matter of the Appeal of Matthew Jahn

Appeal No. 15-02

FINAL DECISION
Dated: June 22, 2015

This matter came on for hearing before the State Building Code Appeals Board (“Board”) on May 11, 2015. The record closed at the conclusion of the hearing. The Board authorized its Chair, Scott McKown, to prepare and issue the Board’s final written decision.

Appellant Matthew Jahn appeared on his own behalf. Dan Nelson, Building Official, appeared on behalf of Respondent City of Duluth, Minnesota (“City”).

The issue in this appeal is whether the City’s Building Official incorrectly denied Jahn an electrical permit to wire an air conditioning condenser unit on his manufactured home in the Zenith Terrace Manufactured Home Park (“Zenith Terrace”) in Duluth.¹ The City denied Jahn’s permit application based upon its conclusion that Minn. Stat. § 326B.31, subd. 23 and Minn. Stat. § 326B.33, subd. 21(f)—which exempt from Minnesota’s electrical-licensure requirement an individual performing electrical work “on premises the individual owns”—do not apply.

Pursuant to the Board’s authority under Minn. R. 1300.0230, and based upon the entire record, including all documents, testimony, and arguments submitted to the Board, the Board holds that the City properly denied Jahn’s application for an electrical permit.² The Board’s decision is supported by a variety of facts and information discussed during the hearing.

Jahn owns a manufactured home that is located on a rented lot in Zenith Terrace. He has training and experience in electronics, including AC and DC wiring, but is not licensed to perform electrical work in Minnesota and is not employed by a licensed electrical contractor.

All electrical work in Minnesota is required to be carried out by licensed electrical contractors or their licensed or registered employees, unless a specific exemption applies. *See* Minn. Stat. §§ 326B.31-.399. Minnesota Statutes § 326B.33, subd. 21(f) exempts an “owner” from the licensure requirement. An “owner” is “an individual who physically performs electrical

¹ Jahn’s additional complaints and concerns regarding his experiences with the City are beyond the scope of this appeal and are not before the Board. Similarly, Jahn’s argument that he *should* not be required to obtain building and electrical permits cannot be addressed or decided in this appeal. *See* Minn. R. 1300.0230, subp. 3 (“The board shall have no authority to waive requirements of this code.”).

² The Board’s authority in this appeal is limited to deciding questions concerning the meaning and intent of the Minnesota State Building Code adopted under Minn. Stat. § 326B.106, subd. 1. *See* Minn. R. 1300.0070, subp. 8, .0230, subps. 1, 3. The Board therefore expressly declines to decide any issues of statutory—rather than code—interpretation. Even if the Board could decide the statutory interpretation issue, however, the City’s interpretation of “premises” is consistent with the dictionary definition of that word, and the outcome of this appeal would be the same.

work on premises the individual owns and actually occupies as a residence or owns and will occupy as a residence upon completion of its construction.” Minn. Stat. § 326B.31, subd. 23.

The City explained that its denial of Jahn’s permit application turned on the interpretation of this statutory owner exemption. Specifically, the City concluded that the exemption does not apply to Jahn because “premises” means both a building and the area of land upon which it sits, and Jahn rents his lot in Zenith Terrace. Jahn therefore proposed to perform electrical work on premises he does not own, and does not qualify for the owner exemption.

Minnesota Rules 1300.0120, subp. 8 (2013) provides:

If [a permit] application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject the application and notify the applicant of the reasons. . . . When the building official is satisfied that the proposed work conforms to the requirements of the code and applicable laws and ordinances, the building official shall issue a permit.

The Board concludes that sections 326B.31 and 326B.33 are pertinent laws that Minn. R. 1300.0120, subp. 8 requires the Building Official to consider, and that the City therefore properly denied Jahn’s permit application.

RIGHTS OF APPEAL

This is the final decision of the State Building Code Appeals Board in this matter. A person aggrieved by this decision may, within 180 days of its date, appeal to the Commissioner of Labor and Industry as set forth in Minn. Stat. § 326B.139 (2014).



SCOTT McKOWN, Chair
State Building Code Appeals Board