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**IDAPA 07
TITLE 01
Chapter 08**

07.01.08 - RULES GOVERNING APPEALS

000. LEGAL AUTHORITY.

The Idaho Electrical Board is authorized under Sections 54-1004 and 54-1006(5), Idaho Code, to adopt rules concerning appeal process to appeals board. (2-26-93)

001. TITLE AND SCOPE.

These rules shall be cited as IDAPA 07, Title 01, Chapter 08, Rules Governing Appeals, Department of Labor and Industrial Services. These rules include criteria for action taken by an electrical appeals board. (2-26-93)

002. WRITTEN INTERPRETATIONS.

This agency has no written interpretations of this chapter. The referenced code may be obtained from the National Fire Protection Association, 470 Atlantic Ave., Boston, MA, 02210. (2-26-93)

003. ADMINISTRATIVE APPEALS.

This chapter governs administrative relief of the provisions outlined herein. (2-26-93)

004. -- 010. (RESERVED).

011. APPEALS.

In order to determine the suitability of materials and methods of wiring and to provide for interpretations of the provisions of the National Electrical Code, the creation of an electrical appeals board is hereby authorized, to be composed of three members of the Idaho Electrical Board, or an electrical supervisor and two members of the Board, as determined and selected by the director of the Division of Building Safety upon receipt of a notice of appeal as set forth below. (12-17-92)

01. Notice of Appeal. A person, firm, or corporation making an electrical installation subject to the provisions of Title 54, Chapter 10, Idaho Code, may appeal, to the appeals board, a decision by the administrator, chief electrical inspector, or other electrical inspector, that a particular electrical installation is not in conformance with Idaho Code, these rules, or the National Electrical Code as adopted by Idaho Law. An appeal may be lodged by filing a written notice of appeal with the appeals board within ten (10) days of the date of issuance of a notice of defects issued pursuant to Section 54-1004 of the Idaho Code. The notice of appeal shall state in particular the reasons why the appellant contends that the notice of defects is incorrect. (12-17-92)

02. Filing Date. If mailed, the notice of appeal shall be considered filed as of the date of postmark. The mailing address for filing such notice of appeal shall be Idaho Electrical Board, Statehouse Mail, Boise, Idaho, 83720. (11-5-81)

03. Appeals Board. The members of the Idaho Electrical Board, acting as the appeals board, are authorized to hold hearings at the Division of Building Safety in Boise, Idaho, to determine the merits of an appeal filed pursuant to this rule. (11-5-81)

04. Function of Appeals Board. The members of the Idaho Electrical Board, acting as an appeals board, shall not have the authority to grant variances from the National Electrical Code; its sole function as an appeals board shall be to determine whether the materials or method of wiring utilized by the appellant meets the requirements of the National Electrical Code. (11-5-81)

05. Appeals Hearing Fee. An appeals hearing fee of one hundred dollars (\$100) shall be charged to an appellant for each appeal brought before the appeals board. The appeals hearing fee shall accompany the notice of appeal. When the appeal is found in favor of the appellant, the appeals hearing fee shall be returned to the appellant. (11-5-81)

06. Conditions Disqualifying Board Member. No Board member shall sit on an appeals board in which he or his employer, employee, business partner or any person related to him, is the appellant in the matter. (11-5-81)

07. Rules of Evidence. The rules of evidence for the hearing are governed by the Idaho Administrative Procedures Act, Title 67, Chapter 52, Idaho Code. (11-5-81)

08. Limitations of Appeal. The filing of an appeal does not stay or discontinue a red tag, disconnect order, or notification to the power company not to energize, in situations where the defect is of a nature so as to be an imminent threat to life or property. (11-5-81)

09. Decisions Final. The decision of the appeals board shall be final and binding except either the Bureau or the appellant may request the appeals board to request a formal interpretation under Section 16 of the Regulations Governing Committee Projects of the National Fire Protection Association (NFPA). Either the Division or the appellant may appeal the official interpretation of the Governing Committee of the NFPA to the District Court within thirty (30) days of the date of receipt of the formal opinion. (11-5-81)

012. -- 999. (RESERVED).