

Plumbing and Mechanical Systems Examining Board  
July 21, 2009  
Meeting Minutes

The Plumbing and Mechanical Systems Examining Board met at the Iowa Department of Public Safety Building in Conference Room 125.

**Call to Order:** The meeting was called to order at 9:00 a.m.

Introduction of Mary Swinehart, new staff member.

**Roll Call:** 9:01 a.m.

**Board Members Present:**

Ron Masters, Chairperson  
Jane Hagedorn, Vice Chairperson  
Charles Thomas, Secretary  
Dennis Molden  
Thomas Day  
Susan Salsman  
Mickey Gage  
Ken Sharp

**Board Members Absent:**

Patricia Broerman  
Carol Crane

**Staff Attending:**

Cindy Houlson, Executive Officer  
Susan Van Horn, Program Planner  
Wendy Zimmerline, Clerk Specialist  
Mary Swinehart, Secretary  
Matt Oetker, Assistant Attorney General

**Approval of Minutes**

The meeting minutes from the May Board meeting were reviewed as a draft; public comments were added (highlighted).

**Motion:** Motion made to bring final minutes back to the next Board Meeting for approval.

**Seconded:** Ron Masters

**Discussion:** none

**Vote:** All Ayes

**Motion:** Carried

**SF224 Timeline**

Ken Sharp clarified the SF224 Timeline. This document can be used as a tracking mechanism to be sure items are moving forward. For rules to advance and become effective Jan. 1<sup>st</sup>, they must be filed with Administrative Rules Committee by October 2<sup>nd</sup>. Moving file date to mid September leaves two & one-half months to get significant amount of rules completed.

CEU requirements will change as we move forward with additional licenses. There is much concern as we have a large number of individuals who have been issued licenses. Delay could mean about a year before CEU requirements are known.

It is appropriate for us as a board to finalize 27, 28 & 29, moving these rules ahead as a package. Ideally, the board should shoot to have rule changes done for Sept. board meeting, allowing for Jan. 1<sup>st</sup> implementation.

Fee structure –fee changes could be effective Jan, 1<sup>st</sup> to be in line with “grandfather” waiver remaining in effect through Dec. 31. The timeframe for renewals and full licensing requirements would begin Jan. 1<sup>st</sup> with new license fee.

We will be working with each committee chair about meeting plans over next couple of weeks. Draft rules to board so we can take action in September.

### **CEU**

The CEU Committee would like to move forward today to begin the emergency process. They would like Chapter 30 added to the group to be expedited

### **Licensing Statistics and Review of Revenue – Ken Sharp**

Budget packet was distributed to the Board Members as this is a preliminary report. Ken explained the line items to the group. Budget officially closes the end of August with exact number for costs available in the September statement.

There are approximately 2,000 paper applications outstanding that span FY09 and FY10, using an estimate of \$300 per application will add approximately \$300,000. Outstanding items still include June billing for ITE, Iowa Interactive will be paid in July, an expense under ITD Reimbursements. It is projected to be close to \$80,000 due to the volume of license applications received in June. Miscellaneous office/supplies expenses and unpaid board member reimbursements are also outstanding.

Ron Masters commented they there is concern with the quality of paper of license. He would like to see a laminated card similar to the one used by the electric group.

Concern was expressed about budgeting for one investigator. Was felt that is inadequate, and that the board should look hard at the original plan to audit a certain % of applications. Discussion was held about the need to review or audit applications post license issuance and the board agreed that one investigator will not be enough to address the desired number of spot checks/audits. Ken will work with the director on the suggestions and discussions held by the board regarding auditing and budgeting.

### **Committee Reports and Recommendations for Actions:**

Committee Chair Persons provide a brief report on progress of their committee.

### **Administrative Rules Committee– Susan Salsman**

Reported they are working on the discipline chapter with scheduling two meetings each month.

**Application and Fees** – Jane Hagedorn

This committee has been working on Chapter 28 again. Have preliminary draft for different specialty license. Fee reduction for specialty license costs has been deferred to budget discussion.

**CEU Committee** – Jane Hagedorn

Distributed handouts – Jane noted there was a glitch with the copier and the board members do not have complete set of forms or Chapter 30. Jane explained the handouts to the Board Members. The forms have been checked more than once, and then sent as a prototype for 2-3 courses. Recommended changes from instructors have been inserted.

Chapter 30 was presented to Board in December of last year. Preliminarily sent out for public hearing, changes upon public hearing were added, the document was adopted at the January meeting. This document was not processed within the time constraints therefore we are starting over. Ken reported that the board can do an emergency adoption with public comment period. This action would move up the effective date by 30-45 days. Chapter 30 does not reflect changes imposed by SF224, however would like to move forward as soon as possible. The board agreed that it should consider adopting Chapter 30 as emergency rules at it's next board meeting, and double barreling the rules to ensure licensees have information they need for eventual renewal.

**Plumbing Code Committee** - Thomas Day

This committee will be working on adopting a new plumbing code for the State of Iowa

**Med Gas Committee** – Chuck Thomas

This committee is awaiting additional information from ABC; therefore the med gas coursework cannot yet be approved as equivalent.

**Reciprocity Committee** No report

**Testing and Exam Committee** – Charles Thomas

July 29<sup>th</sup> has been scheduled to hold an additional Board Meeting with the focus being on reviewing and approving exam questions with Prometrics. Matt provided information for the board to use to go into closed session.

**Licensing Questions** – Cindy Houlson

Eugene Shumann from Shumann & Associates , a designing and consulting firm located in Wisconsin would like to know if they need a license in Iowa to design plumbing systems for commercial installations and could he be grandfathered in for a master license. Shumann & Associates Inc. designers and consultants of engineered plumbing systems in the state of Wisconsin. He has master license in the states of Wisconsin and Minnesota. He also indicates in his resume that he has a plumber's designer's license from the Board of Architects, Engineers and Land Surveyors. (Department of Regulations and Licensing).

**Response:** Board felt he is not qualified to design in the State of Iowa.

**Question:** Would he qualify for a master license from the information he has provided?

**Response:** Board felt he did not qualify for a master license.

Tom Snyder, June 16, 2009.

**Question:** What license would cover for solar heat installations? He also provided his experience of 37 years of service doing solar installations. He is also proposing solar be licensed in the state of Iowa using national standards based on standards set forth by IRENEW, SEIA, NABCEP, SRCC and Solar energy International. It is felt that solar heating does not fit in any of the disciplines that we are currently licensing.

**Matt Oetker added,** This gentleman sent a letter to the Attorney General and was filtered to me to respond. First step is to decide if his work fits in any of our disciplines. If the answer is in the affirmative, I think he wants to try to figure out how to get a specialty license request. Unsure if he wants a final board decision or if he wants to know if his work is covered in 105.

International Mechanical Code has a section on solar. Solar water heaters would be mechanical. Some solar panels blow the air through providing it in HVAC. Those that use collector panels are actually hydronics system.

**Response:** The Board would like to invite him to the August Board Meeting.

#### **Felony report-** Cindy Houlson

The Felony Report has been broken down to general categories. Depending on how the person described the incident was where placed in the Report. There were a total of 323 felony reports for June and July. OWOI and drug possession were approved. This report contains more than felonies, such as traffic violations. Matt reviews all questionable violations, and any uncertain violations will be brought to the board.

Matt Oetker commented that the convictions for the most part stem from forty years ago, so seems like the applicants are being honest and want to get the information out. Whatever discipline they chose to enter seems to change their life around.

#### **License Refunds – Susan Van Horn**

Susan Van Horn reported since last board meeting in May there have been fifteen refunds issued. Software errors wherein in some instances fees were added incorrectly. \$3,950 in refunds were issued for software errors. We've issued refunds for individuals who have overpaid their application fees. We have had several wherein they have sent in four applications and a check for \$100 for paper application fees. Following discussion we have refunded \$75 because they simply overpaid the amount that was due for a total of \$4,450.

Susan has additional requests that are outside the scope of those that are automatically issued refunds.

**Summary** Received two letters from individuals who, they themselves applied for a license and then the company that they worked for also applied for a license in their name. We have identical payments for identical license for one individual.

**Response:** Seeking guidance from the board as to issuance of a refund. In both instances the individuals have requested the refund be issued to the business. Board approved refunds to be issued to the businesses.

**Comment from public:** Jana Byron, Standard Heating and Air Conditioning from Omaha (public) wished to make comment. I actually entered all 186 of our guys. The Attorney General was asked if this is proper. He advised that each application is to be printed signed and filed in the office.

**Summary:** Three have written that they have made honest mistakes when entering application online. Gentleman applied for refrigeration "I made a mistake when applying for my license. I do not need nor qualify for the refrigeration license. I did not read it first. Saw refrigeration and thought I'd need it for residential air conditioning." He applied for master HVAC, master of refrigeration, master of hydronics but doesn't have skills or need for the refrigeration license. Therefore he is asking that the fee for the refrigeration license be refunded.

**Response:** Cindy has received several calls, wherein they see refrigeration and think they are getting a separate license for the Freon. Then it is explaining the difference between commercial and personal comfort.

**Summary:** Gentleman applied for a Master license, would like to change Journeyman. "Inadvertently applied or master plumber instead of journeyman. I've been employed at Accurate Mechanical since 1997. I've been involved with the rough in as well as service plumbing equipment during my employment. In the event that you approve my request, I would ask that you apply the credit to my credit card.

**Response:** On his work experience, he did mark "Master". Question was asked if there is a charge to credit his credit card. We do not have the ability to credit a card. We would actually go through the State Treasurer's office so it is a check process. Board agreed to refund difference and issue a journeyman's license.

**Matt Oetker** – If board is basing its decision on honesty or not, that places no black and white standard for staff to follow in future instances. Another policy to take into consideration is based on comments earlier that the Board is taking the position that they want to ensure that the masters are properly licensed. Issuing a refund wherein an individual voluntarily wants to give up master license may be a policy the Board should take under consideration.

We have a rule that says "no refunds". We have issued refunds in several cases.

**Summary:** this gentleman applied for three master licenses, plumbing, HVAC and hydronics. "When I filled out the on-line application for master plumbing, master HVAC and master hydronics I meant to apply for an inactive license. I made a mistake and would like to change the application to inactive license. Thank you so much for help in answering all my questions. Will a check be mailed out for a refund or will you need card number? Whichever is easiest; let me know if you need more information.

**Response:** Board agreed to change his license from active to inactive and refund the difference.

**Summary:** I am writing to you today to get a partial refund on my plumbing license. When I filled out the on-line application I was under the impression that my employer would be paying the full amount of my master's license. After the application was submitted I was informed I was mistaken and they will only pay the cost of the journeyman license. Since

I do not have the funds available to pay the difference it would be a great help to have my license issued as a journeyman and a \$600 difference refunded.

**Response:** He applied as an individual and the employer was to reimburse him the cost of his license. Board did not feel he should receive a refund.

**Summary:** I have a question regarding this license number. He applied for his journeyman plumbing license by himself and after he passed the Des Moines journeyman plumbing test Mr. H did have the proper field experience to qualify for the journeyman classification. Nevertheless the company had applied earlier to receive journeyman, hydronics and an apprentice plumbing license because he had not passed his journeyman exam. He now has two separate numbers for his journeyman hydronics and journeyman plumbing license. Should we leave the numbers as they are or do we need to convert them to the same number? Furthermore, the company needs to be reimbursed \$50 for his apprentice registration which he no longer needs.

He has two separate license numbers, one with journeyman plumbing and journeyman hydronics and apprentice. Journeyman plumbing license was established on May 11<sup>th</sup> the company put him in as an apprentice plumber on May 21<sup>s</sup>.and he had already passed his test.

**Response:** We are working on issuing only one number, putting in some verification to eliminate duplicate accounts. Working with social security numbers, date of birth, last names to try to stop duplicate accounts. Once this is established we will go back and try to clean up all the duplicates.

Board felt no refund was warranted.

**Summary:** "I wish to appeal this decision to the board. As I mentioned to you before I tried to do everything correct and when the licensing first came out we, as a state agency, needed to be licensed if we performed more than routine maintenance. I tried to beat the rush such as what is happening now; trying to get the license early because I knew there would be so many people needing their license before the first of July. Because of my planning ahead this in turn has stabbed me in the back in the fact that the board does not want to refund my money if I would make my license inactive because of legislative changes. I attended one of the meetings before licensing took place where the board listed out all the expenses it would cost the board to enact the licensing. The board stated that this not supposed to be a money maker for the state but then why are they not willing to refund my money? The board determined that refunds would not be made as the result of legislative changes. What else would you call this? At the meeting I attended they even spoke about a possible decrease in license costs as they found it did not need to be that high to cover the costs. This upsets me that the state is keeping money from its employees when they are just trying to do the right thing and to know that I was not given any extra pay because I had to have my license here at work. Please share this and previous letters with the board so that they can review this.

**Response:** This is the one that came forward last month and the board determined at that point there would be no refunds based on legislative changes. SF224 created the exemption for state employees. At that point he requested that his licenses be changed to inactive as they were no longer necessary.

**Policy Updates/Review** Cindy Houlson

Since May we have made some changes on how “walk-ins” are being handled. Cash will no longer be accepted, payment must be made with check or money order only. Cindy is available for appointments from 11:00 a.m. to 1 p.m. to discuss something. This may be re-evaluated as the Department progresses with implementation of the program.

**Iowa Interactive Questions on Examination Rules** –Susan Van Horn

Susan has been working with Iowa Interactive to get the electronic reporting of test candidates to Prometrics and then be able to receive test scores back from Prometrics. Been working with Rick Roswell and Andy Parker from Prometrics. Need some guidance on who can sit for a license and when. Asking if there is a committee to work with these questions?

Susan was instructed to work with the Testing and Exam Committee. Also need board input on the qualifications. Charles Thomas (Committee Chair) will meet with Susan, compile recommendations and get out to the committee.

**Other Business**

Thomas Day commented on individuals that are exemptions from license are not exempt from inspection as discussed at the last meeting. He would like to make sure that is a correct statement. Ken believes that is correct. He will consult with Matt to verify. If those folks would be doing that work that would be governed by that respective mechanical code, plumbing code, whatever the case may be that they are still subject to the same standards in terms of completing that work according to the inspection expectations may be.

**Public Comments**

Secretary Thomas presented \_communications to the board from the following:

Brian Quirk, State Representative HD-15, dated May 12, 2009.

**Summary:** Requesting a special restricted license to allow in-house private educational institution facilities personnel who perform a limited class of work to receive such a license. He encouraged discussion with representatives of the private educational institutions.

W. Allan Cagnoli, HPBA (Hearth, Patio & Barbecue Association) Director of Government Affairs and Karen Teske-Osborne, NCHPBA (North Central Hearth, Patio & Barbecue Association) Executive Director, dated June 25, 2009.

**Summary:** Requesting a special license is issued for Gas Hearth Systems Specialty and Woodburning Hearth Systems Specialty. Suggests basing license on mechanical code specifications.

Jeff Harden, President IABO (Iowa Association of Building Officials) dated June 23, 2009.

**Summary:** The IABO is prepared to extend services in accordance with Senate File 224. This is a non-profit organization to help promote, establish and educate nationally recognized standards committed to the safety and welfare of all. Members of this organization are well versed in the application of rules and regulations regarding inspections, permitting and licensing programs.

Email from Nick Adams May 11, 2009

**Summary:** Concerned that a person who has never had a plumbing journey persons or masters license applying to the State of Iowa and getting a license.

**Response:** from Cindy Houlson May 17, 2009 Write a complaint about the person that you are referring to. Complaints are followed up and anyone who falsified their work experience or test and continuing education information on their application will be prosecuted under the perjury statement.

Nick Adams, May 18, 2009

Email from Gerald Behrens, May 17, 2009

**Summary:** Has worked in the fields of electrical plumbing, HVAC and hydronics for over 34 years. You (the state) are running our tradesmen out of business in Iowa and all consumers will have to pay double because of these excessive state regulations, licenses and continuing education requirements.

Email from Caroline M. Garoutte, Jean and Jim Brock & Arvid Hovick, May 17, 2009

**Summary:** I have relatives who, for over 35 years have worked as electricians and at the same time, worked in the areas of plumbing, HVAC, refrigeration and hydronics. I have relatives in these businesses who are talking about closing their businesses due to extravagant state fees and the hassle of too many required education courses and state inspectors.

Email from Ron Ocker, June 22, 2009

**Summary:** He was asked if he had a master plumbing license. Person said he took a test for journeyman and then later on took some classes at DMACC and then took a test for masters. He said he got his masters by filling out some paperwork.

### **Public Comments**

Mike Macula Thank those that voted to not hand out licenses like candy at a parade.

**Question:** Can we get a master inactive and journeyman inactive via computer?

**Response:** Not yet. We may need to prorate the new license date. This should be ready by December. Rules to address the extension of the grandfather waiver are being compiled.

**Question:** When should we turn names over of those that have inappropriate license?

**Response:** When enforcement rules are final.

**Comment:** There is nothing on the website that informs med gas license holders that renewal every three years is required and must maintain their NITC.

Bob Lynch, City of Cedar Rapids

**Question:** Wanted to know if have an answer to my question from two months ago on master license?

Ron Master it is on my agenda to handle during the Administrative Rules Committee.

Don Hansen

**Question:** Are there exemptions for landlords. They still think they don't need a permit. Who can obtain the permit? Who can install water heater?

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**Response:** This is not a board issue – anyone the landlord hires must have the appropriate license. As this concern deals with permits it was suggested the City Attorney of Des Moines may be able to address.

Mike Minnick

**Comment:** Concerned with enforcement of state rules vs. CFC license. He feels enforcement should be in place up front.

Jana Byrom

**Question:** about who is going to be processing and approving courses for CEUs.

**Response:** The CEU board members will be approving courses. There are two separate applications – one for instructor and one for course. As soon as available, approved courses will be listed on the website.

Bill Switzer

**Question:** Questions about CEU classes to be offered.

**Response:** At times there will be multiple instructors for some courses. We are hoping to have available by the first of the year.

**Question:** Kohler brings in new fixtures and provides a two hour demonstration. Can that be considered for additional education?

**Response:** This will be taken under consideration. We are actually concentrating on a solid 50 minutes of training for each hour of CEU honored.

Bob Lynch volunteered to help out with Code Chapters if needed.

**Next Meetings:**

July 29, 2009

August 18, 2009

**Motion to adjourn** by Jane Hagedorn

**Second** by Ken Sharp

Respectfully submitted,

Mary Swinehart