BEFORE THE IOWA PLUMBING AND MECHANICAL SYSTEMS BOARD

IN THE MATTER OF	)	
	)	No. PM20110013
MIKE HUFFMAN,	)	
	)	
Respondent.	)	ORDER IMPOSING CIVIL PENALTY

Iowa Code section 105.10 requires all persons who perform plumbing and mechanical services in the State of Iowa to possess a license issued by the Iowa Plumbing and Mechanical Systems Board (Board). Under 641 Iowa Administrative Code 32.5(1)(a), which implements chapter 105, the following is an unlawful practice: "Acts or practices by unlicensed persons which require licensure to install or repair plumbing, HVAC, refrigeration, or hydronic systems." Under Iowa Code section 105.29, announcing to the public in any way (the use of any sign, card, circular, device, vehicle, or advertisement) the intention to provide any service for which a license is required is prima facie evidence of engaging in the practice of a plumbing or mechanical professional.

Pursuant to Iowa Code section 105.27, the Board has authority to issue an order imposing a civil penalty up to $5000 for practices made unlawful by chapter 105.

Mike Huffman (Respondent) has never been issued a license by the Board. Since state licensing went into effect, Respondent has advertised plumbing and HVAC services which require licensure to perform.

On June 21, 2011, The Board found probable cause to issue upon Respondent a Notice of Intent to Impose Civil Penalty (Notice), in the amount of $500, for advertising plumbing and HVAC services without a Board-issued license. Respondent received Notice on August 30, 2011.

Pursuant to Iowa Code section 105.27(1) and 641 IAC 32.5(5), Respondent had the option of requesting a hearing on this matter within thirty (30) days of receipt of Notice. Respondent's time for requesting a hearing has expired.

Pursuant to 641 IAC 32.5(5), if a request for hearing is not timely made, the board chairperson may issue an order imposing the civil penalty and requiring compliance with Iowa Code chapter 105 upon mutual consent of the board.

The Board has consented to the issuance of this Order.

ORDER

IT IS THEREFORE ORDERED that Respondent comply with Iowa Code chapter 105; so long as Respondent does not possess an applicable Board-issued license, Respondent must cease engaging in any practice for which a Board-issued license is required.

IT IS FURTHER ORDERED that respondent pay to the Board a civil penalty in the amount of $500. If this civil penalty is not paid within thirty (30) days, the attorney general may commence an action to recover the amount of the penalty, including attorney fees and costs. Iowa Code § 105.27(3).

Copies to:

September Lau
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor Hoover Bldg.
Des Moines, IA 50319

Mike Huffman

A person aggrieved by the issuance of this Order may seek judicial review within thirty (30) days of the issuance of this Order, in accordance with section 17A.19. Iowa Code § 105.27(2).