

**Plumbing and Mechanical Systems Board Meeting  
Tuesday, November 16, 2010**

Iowa Department of Public Safety Building, Conference Room 125  
215 East 7<sup>th</sup> Street, Des Moines, IA 50319

**Board Members Present:** Thomas Day, Mick Gage, Jane Hagedorn, Ron Masters, Dennis Molden, Ken Sharp, Chuck Thomas and Brita Van Horne

**Board Members Absent:** Stuart Crine and Susan Salsman

**Staff Attending:** Cindy Houlson, Matt Oetker, September Lau, Susan Van Horn, Dan Hostetler and Mary Swinehart

**Call to Order** – Chair Jane Hagedorn

**Minutes dated October 19, 2010**

Ron Masters made motion to approve minutes

Tom Day seconded

No further discussion was held

Vote: All ayes

Motion: Carried

**Committee Reports and Recommendations for Actions:**

Jane requested reports from these committees that have met during the last month.

CEU Committee Jane Hagedorn, committee chair

Jane reported that this committee met November 1<sup>st</sup> and again yesterday. We continue to refine changes to Chapter 30. To date:

843 total applications received

290 instructors approved

412 courses approved

7 E courses approved

72 applications in an incomplete status

62 no further information received within 30 days

Following a lengthy discussion on the software program for renewals, the committee agreed to present the following information to the entire board for their input. Specifically multiple license holders with different expiration dates.

Susie Van Horn presented information to allow programming for renewals with CEU requirements.

Multiple license holders with more than one expiration date wishing to change expiration dates to the first license expiration date will receive a 30% discount on the combined total and the licenses beyond the first one will be prorated to the first expiration date. 14 or 16 CEUs will be required to maintain those licenses, depending on which trades are covered by the licenses.

Multiple license holders with more than one expiration date choosing to remain with different expiration dates will receive no discount and each license will be treated as an individual license, requiring 8 CEUs per license per renewal period to maintain those licenses.

The board agreed this is how multiple license holders with more than one expiration date will be handled. There is a monetary advantage to having one expiration date. This does not conflict with the rules in place. The rules will be modified to reflect this interpretation. This will not occur in the future. This has occurred due to the waiver that was in place.

When an apprentice during the two-year licensing period takes and passes a journey exam, that journey level license will be prorated to the apprentice license expiration date. The licensee will not

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be required to obtain CEUs until the journey license enters a complete two-year cycle. The board agreed the CEUs will be waived during that period from the time the apprentice license upgrades to a journey license through the original apprentice license expiration date.

*Chuck Thomas asked if this process would be programmatic.*  
Rick Rosno assures us that CEUs can be tracked.

*Ken asked if a multiple license holders with more than one expiration date leaving expiration dates and takes a two hour course would that be credited for one license, thus requiring the licensee to take the same class for other licenses.*

The licensee could take different courses; they would not have to take the same course. The software in place precludes use of CEU course credits to be used for more than one license. Each course is tracked by the presentation date. Presently we do not have matching capabilities for course and roster.

*Chuck asked how licensees are going to be informed of these requirements.*

Renewal notifications will be sent to licensees 60 days before renewal is required. That notification will need to be addressed. Should a licensee choose to take advantage of combining licenses to a single expiration date, they will need time to obtain the required CEUs for licenses.

Code Committee Tom Day, committee chair  
Tom reminded we have Amendments for the 2009 UPC available.

Testing/ Credentials Committee Chuck Thomas, committee chair  
Chuck reported this committee will be meeting in December.

Update on totals

318 individuals are eligible to take an exam

77 have passed an exam

41 in journey plumbing; 5 journey refrigeration; 6 journey HVAC; 6 journey hydronics;

13 master plumbing; 3 master refrigeration and 3 in master hydronics

Discipline Committee Jane Hagedorn, committee chair

Jane reported that this committee will meet today after the board meeting. We continue to work through the complaints that Dan has brought forward. We will be going into closed session later in this meeting in order to discuss complaints that will be brought to the full board.

**Inspection Study Committee** Ken Sharp

Ken reported that the draft that was distributed at last month's meeting has not changed. Next meeting is scheduled for Wednesday, to finalize feedback from respective partners, along with sign off. Our legislative liaison will review before distribution to legislators. The report will then be sent to legislators early in December. The committee will begin working on tentative language for legislators. The report has a January due date.

**Contractor License** Jane Hagedorn

Jane reported this item was placed on the agenda this month as requested at last month's meeting. Chuck read a letter from Sheet Metal Contractors of Iowa.

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Jane reported the board would like to see contractor license application available near the middle of the year. There is the issue with local jurisdictions renewing contractor licensing, along with insurance and surety bonding for the next year.

Ken: Additional burdens have been placed due to state government budget challenges, and restrictions placed on state agencies for hiring staff and expanding government. The rules committee ran into delays due to bonding and insurance and got pushed back a bit farther than we had hoped. When we approached Iowa Interactive about their capacity to do both contractor licensing software development and licensing renewal software development, we were informed they were not able to do both in the timeframe we have. The priority is development of licensing renewal software to allow 60-day notices to be disturbed in early January. There are approximately 16,000 licensees facing renewals, starting in early March.

We recognize the burden placed on contractors due to sorting out where to obtain a contractor license and what are the requirements. We have had conversations with representatives from the League of Cities, IAPMO and IABO about this issue. Contractor licensing could be ready as early as April or toward the middle of next year.

Advice we have provided to contractors and local jurisdictions is:

1. Contractors: If a contractor in the state of Iowa is working without insurance and/or surety bond, or without a contractor license issued by this board, it is not appropriate for this board to take any type of disciplinary action as we are not able to issue that license.
2. Local jurisdictions: We have no authority over local jurisdictions. Chapter 105 spells out state licensing takes precedence over and nullifies any local licensing authorities that previously existed. There are some local jurisdictions that have indicated they will continue to issue contractor licensing or require insurance and bonding on the permit side for the work they do locally. The question is an issue between that local jurisdiction and the licensee as to whether that local jurisdiction has authority to require that contractor license when Chapter 105 of the state law prohibits issuing such a license. I don't have an answer for that and don't feel this board should speak to that because we do not have authority over local jurisdictions.
3. Contractor notification from local jurisdiction: When contractors receive a renewal notice from a local jurisdiction and chooses to renew that license, what happens when the state is ready to start issuing contractor licenses? The board has had discussions about recognizing that local license until it expires.

*Mick asked if there had been discussions about accepting paper applications, placing information on a spreadsheet and deal with later.*

There have not been conversations about this. Concerns are staff would have to enter data twice, handling everything by paper; we are not able to add temporary staff or space to handle. That would place burden on the staff we do have, as everything else would have to be put on hold.

*Mick: Think the contractors need to know there is a possibility that if they have contractor licenses in the towns that maybe we will let this go until they run out.*

We, as a board have had that discussion several months ago. Recognizing the predicament we are in I would like some guidance from the board what the comfort level is if local jurisdictions continue to issue licenses for those contractors that cannot demonstrate that they do hold a license from a local jurisdiction in the next twelve month period starting January 1st, that we recognize that and do not require a state contractor license until that local jurisdiction license expires.

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The other issue of concern is the fee established for the contractor license, especially for those small, single person shops. To tack on another \$250 is an issue for this board to be ready to respond to.

*Jane directed a question toward Brita and Denny. Do you have contractor licensing in your jurisdiction? Do you request certificate of insurance or a surety bond?*

Brita: Not anymore. We do not request certificate of insurance or surety bond. We do require a license to issue a permit.

Denny: We modified our ordinance during the last few months eliminating contractor licensing as of January 1<sup>st</sup>. However, we still require a bond and contractor state ID number. Legislatures did not require contractor licensing and specialty licensing until 2009. We have not had that long to work on contractor and specialty licenses. We are not using contractor licensing for budget, we are just going to raise all our inspection fees to make up for the loss in revenue.

Mick: Waterloo, Cedar Falls and Mason City recently charged us for contractor license.

Jane commented we are basically delayed until the middle of next year to get contractor licensing up and running.

### **Licensing Report – Cindy Houlson**

Cindy reported the Plumbing and Mechanical Licensing staff has processed applications for a total of 15,554 total licensees with a total of 26,690 licenses. The distributed report indicates total number of licensees and licenses by category.

### **Other Business**

Ken reported the environmental engineer interviews are completed, with an offer to be made by end of this week. The successful candidate should be able to start within approximately two weeks. By early December we should have someone on board and ready to go.

We have received the green light to post the clerk specialist for CEUs position. Presently, it is not clear which administration will review this request. We are hoping to have some success this time around.

*Tom Day: What are the job duties of the environmental engineer position?*

We are still sorting that out a bit. Mike Magnant is retiring the end of December and has responsibility over plumbing code, approving pool plans, backflow prevention program and water treatment device registrations. As we move forward with state-wide inspections, I see this position providing technical assistance to local jurisdictions, staying on top of code modifications and changes. I see this person helping out with some of the responsibilities Mike has currently around pool plan reviews of which is primarily focused on plumbing requirements. A lot of the job duties will be determined when we find out what happens with statewide inspections. There may be an additional demand where one engineer cannot meet, which is unknown at this time.

*Tom Day: Is engineer required to be licensed by the board?*

Ken: No, that was not part of the job requirement a licensed engineer is a requirement.

*Mick: Will he be part of our staff? Where does Mike's salary come from now?*

Yes, this program will support the position.

Mike's salary is from a federal grant that is significantly reducing funds for that position. And part of it is from the fee based program around water treatment devices and a little from appropriations.

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*Mick: Don't those fees come back to the general fund?*

Some do and some don't. The water treatment fees come into the department, we are able to spend out of those and anything unspent reverts back to the general fund. The pool plan review fees go directly to the general fund.

*Chuck: New person will start a week or two before Mike leaves.*

Correct, we started in July and received two unqualified applicants, resubmitted, then the hiring freeze delayed as well.

### Public Comment

**Mike Macula:** *Whoever is sending out letters of reminders for instructors and courses, Thank you, they are appreciated by Local 125 as well as Local 33.*

*The Iowa amendment is out for plumbing. Are there any questions on the code test on the amendments, if so, should that book be approved by Prometrics to take in for testing?*

*The Iowa State Plumbing Code (2009 Uniform Plumbing Code with Iowa Amendments), 2009 is listed as a reference.*

*Do those at testing sites know that – because we have had issues in Iowa City with people going into test?*

The Testing and Exam Committee will be meeting to address such concerns.

*There was a nice letter sent to a very large manufacturing plant in Cedar Rapids who may have had in there unlicensed contractors. Wow, did that light up the phones. If the board is going to continue doing things like that it is a lot easier to explain to people why they should have state licenses. That helps my job telling people they need licenses.*

**Jerry Hintz:** *At the July meeting I asked the board of the possibility of changing from 60 days to six months when an apprentice could take the exam. At that meeting, I received consensus of the board could pass within 30 days. We are now four months into this thing and I have not heard anything about this six month thing. I have apprentices getting close to the end of their apprentice program. As I mentioned before it is in our standard that they have to have a state license before they can turn out as a journeyman and I hate to go back and tell them I'm fighting for this thing. They have had it for four months and I have heard nothing. Can someone explain to me what the holdup is? Or when can I expect a decision?*

Jane responded we agreed it needed to be changed but that rule has not been put forward.

Ken responded it never would have happened in 30 days, it takes a minimum of 110 days. This requires a rule change and that takes a minimum of 110 days.

There was a discussion when this question was originally asked; board did not think it could be July.

Jane responded that Chapter 29 Committee will need to meet to follow up on this question.

*Is there some point in time when the public will learn what cases of Discipline were about? Possibly who they are so we can use this thing, I have a lot of members out there that are saying why do I need a license" Catch someone and turn him in and nothing happens.*

Matt responded that you can go back and tell the membership that the role of the board at this point is to review the complaints, allegations and evidence uncovered by Dan to make a determination if there is probable cause to believe that that complaint is valid. If the board decides there is not probable cause that a violation occurred, that licensee has privacy interests and in protection of his good name. That is why we refer to a case number rather than a name. If, however, the board determines that there is probable cause that a violation has occurred. It goes to a hearing and the board finds a violation, it then becomes public knowledge.

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**Jeff Bernke:** *My questions are what you were just discussing. I realize that discussing disciplinary action, there are those with licenses that they do not deserve. Being a relatively new business owner I've had some instances where jobs were lost due to people who received licenses that do not deserve them. Living in the Cedar Rapids area, we have had licensing for a long time, we are unique to the state of Iowa and we have policies in our area that we have adopted from the state on a smaller scale. I do not understand when we did the licensing why we could not have had a better screening for people who are in Cedar Rapids. I have 18 years invested in my discipline. I have passed both tests Journey and Master. I had an apprentice work for me last year, registered with the state of Iowa and he is now a journeyman plumber. I don't know how that could happen. I have given these complaints to the board, last year before we had an inspector, and now we have this new policy where we have to fill out an application. I have some disagreements with that too because some of my colleagues will shy away from filling out a formal complaint having to put their name on. So when the guy comes up, he finds out who complained, what could happen to his business or person. If the person got a license legitimately or not there would be no one to blame why he got caught.*

Matt responded what the board can do through the discipline process is take away a person's livelihood. Bottom line this is their mortgage payment, childcare, this is their livelihood. It is a necessary point in the process to make sure when a complaint is filed against a person's livelihood that the complainant is doing so rightly, and a good believer that there is a violation. I do not know of any licensing board discipline process in the state of Iowa that as a minimum does not require the name of the complainant to make the complaint valid. Requirements in the rules require the licensee turn over the name to make a complaint when they have information that another licensee has violated the rules. It is an obligation on every single licensee to protect their profession. You indicated that there are licensees that may not have qualified, that is a belief held by a number of individuals in the state of Iowa, especially those that have gone through the testing process. I think there was a misconception as to what was necessary under the waiver clause to obtain a license. Requirements to get a journey or master level license in one of the trades with that waiver clause were not that substantial. Individuals didn't have to pass a test, didn't have to demonstrate full compliance with that level. For a master level plumber, had to demonstrate a sufficient number of years to qualify to sit for a master level exam.

**Jeff:** *That is not what I understood and I was told several times at different meetings that if you were not doing the duties of a master plumber for a period of four years out of six, you did not apply for that license.*

Matt: What you believe is what a lot of current licensees believe.

Cindy, To start with that was the interpretation of the rules and that was the requirements when we first started the grandfathering period. Then it was later when there was a different interpretation from the board that said for a master a minimum of two years of journey and the rest of the experience could be apprentice or other journey.

**Jeff:** *What sense does that make. There are guys that didn't even hold a journey license now has masters. There is a guy in a small town near where I live that is a janitor for some company and he has a master plumbing, HVAC, Refrigeration and Hydronics and has never been any of them and he is pulling permits in the county and doesn't know the first thing about the work.*

Matt responded there were some who thought a plumbing license would cover hydronics, it was later they realized that hydronics was a separate license.

**Jeff:** *Looking at the back of P&M magazine- in the state of California, they have basically the same program. It talked about having no budget to spend and to use your money wisely. They set up a sting operation and busted a few people. People that were doing work without licenses or maybe didn't get their license correctly. Got a few people in trouble then it cooled down. It was a great example.*

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*Perhaps putting a message on TV that if someone is in your house and doing work without a license it is against the law, you could be fined.*

Tom responded that he could not disagree with anything he said. The licenses that were issued were definitely not the perfect scenario. We were faced with things the legislature put on us as far as grandfathering goes from people that had no knowledge of the trade whatsoever. We are stuck with some definitions that we are not very happy about. The only thing I can ask you is, this is your livelihood just as it is my livelihood and if you have a problem completing a complaint and putting your name on it, I understand that. You also mentioned your colleagues were upset about it as well. There is nothing on the complaint form that says that you cannot have multiple names on it. If your colleagues want to get together with you and there are ten names on a complaint, then the chances of retaliation might be a bit less.

*Jeff: Could those ten people get together and call it something else or does it need to have someone's actual name? If a complaint comes in and you guys have it on your desk, I have done this, I don't know that you guys have even looked at it, I'm sure someone looked at it, but nothing happened because the guy is still doing work. One of the guys that I know, that I gave his name, has been running a business for quite a while – I don't expect to take away his livelihood, but I also don't expect him to achieve something illegally and start a business. I know you are not going to pull his license but making him test to get his license maybe that is the solution to the problem. Make him actually earn that license. However that works out.*

Matt: For instance: You know John Doe is practicing and does not have experience. You are then the witness. You are the witness to establish the substance of that allegation. Dan is going to do what Dan can but you are the one with first hand information.

Jane: We just recently got Dan on board and started to meet as a Discipline Committee. We have made the commitment to have Dan do the initial research on each and every complaint that has come in. We started with looking at the oldest complaints and moving our way forward. We shifted in that aspect as we found out too much time had passed to document or verify.

*Jeff: If you get someone's name, notify him that you applied based on experience, we need documentation of your experience, and they have so many days to provide that information. I thought I read that is how the process goes.*

Jane: We have a process to follow and we are working our way through this process. The wheels of progress appear to be moving very slowly. The board went into closed session at our last meeting to discuss complaints being presented to the board for the first time. We plan to continue this process for a long time in the future.

Dan: I gather as much information as I can before contacting an individual. That is when I request him to produce the information needed. Generally speak to the complainant first, may talk to some witnesses to gain some firsthand information.

Ken: There is a perception that we can handle these issues like law enforcement, such as issue a citation to a person speeding down the street. We do not have the ability to do something immediately. The administrative procedures take months. Something not related to this board, but within my division, we had an issue that surfaced in March and we have just gotten the administrative law judge ruling last week and there are two more appeal processes available. This has taken 6-10 months to sort through those issues. Many of these things, by the time we receive the initial complaint and we can get right on it until a final action is made you are talking months.

**Bob Schmeckpeper, Western Iowa Tech Community College in Sioux City:** *We would like to thank the board and committees for approving our trainers to offer CEUs at Norwest Iowa. Western Iowa Tech Community plans to continue to offer CEUs to this industry. We have four campus locations; Dennison, LaMars, Cherokee, Mapleton and Sioux City. Western Iowa Tech has developed*

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*apprenticeship standards that apply to this industry in response to the state code. We worked with the Department of Labor Apprenticeship program to develop those standards. We do have a number of contractors looking at the college now to enter into those partnerships. Anything we can do to partner with the board and state to continue.*

**Bill Koontz, Western Iowa Tech Community College in Sioux City:** *One of my responsibilities is getting instructors and courses approved to provide CEUs. We do have apprenticeships set up for hydronics, plumbing and HVAC. We have eight one-day Saturday sessions set up for multiple disciplines from now until March, to make sure we are meeting the needs in northwest Iowa. We will run the first one in December. We will continue doing those in the summer. Number of CEU offerings will be significantly less after March.*

Tom: To all those providing CEUs, we just had the comment about individuals that might have gotten a license that shouldn't have. This is the only way to bring licensees up to some kind of level that they should be at. We tried our hardest to get courses approved as soon as possible but we also make sure the courses have content to benefit the industry.

*Bill:* There is an assessment at the end of each course, will this be this something that will be submitted down the line?

Jane: That is something that we have not spent much time discussing. One of the issues was around the amount of paperwork. We are looking at some point in the future a way to link a roster electronically with a course.

### **Closed Session Discipline Review**

Chuck Thomas made a motion that the Board go into closed session for the purpose of reviewing and discussing records required or authorized by state or federal law to be kept confidential and discussing whether to initiate licensee disciplinary proceedings, pursuant to Iowa Code section 21.5(1)(a) and 21.5(1)(d)."

Tom Day seconded motion

Roll call vote all ayes: Thomas Day, Mick Gage, Jane Hagedorn, Ron Masters,  
Dennis Molden, Ken Sharp, Chuck Thomas and Brita Van Horne

Motion: Carried at 10:30 a.m.

Returned to Open Meeting at 11:17 a.m.

Chuck Thomas made a motion to close discipline cases number PM20090018, PM20090026, PM20100046, PM20090004.

Second: Tom Day

No further discussion was held

Vote: All ayes

Motion: Carried

**Next meeting** scheduled December 21, 2010 at 9:00 a.m. at University Hygienic Laboratory, Iowa Laboratory Facility Rooms 207 & 208- DMACC campus, 2220 S. Ankeny Blvd., Ankeny

### **Adjournment**

Ron Masters made a motion to adjourn

Chuck Thomas seconded

No further discussion was held

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Vote: All ayes

Motion: Carried