

Plumbing and Mechanical Systems Board  
**Administrative Rules Committee Meeting**  
July 29, 2010 Notes  
Dial in: 1 (866) 685-1580 Code # 0009991700  
10:00 a.m. Lucas Building Room 518

Present: Susan Salsman, Dennis Molden, Ron Masters, Chuck Thomas, Matt Oetker, Dan Hostetler, Susan Van Horn, & Mary Swinehart

Call to Order—Sue Salsman

June 24, 2010 notes approved

Comments on Contested Cases

Matt pointed out an error when he compiled this document. 33.38 serves as a guideline for other boards, and thought this board had authority to do so. This board does not fall under 272C. Matt will do some further research to see if this board can recoup costs.

Suggestion from Joe Royce at Capitol

Suggestion 1. 33.7 Request for contested case proceedings. His suggestion is to replace proceedings with “evidentiary hearing.”

*The committee agreed with this change.*

**(17A) Requests for contested case proceeding evidentiary hearing.** Any person claiming an entitlement to a contested case proceeding shall file a written request for such a proceeding within the time specified by the particular rules or statutes governing the subject matter or, in the absence of such law, the time specified in the board action in question. The request for a contested case proceeding shall state the name and address of the requester; identify the specific board action which is disputed; describe issues of material fact in dispute; and, where the requester is represented by a lawyer, identify the provisions of law or precedent requiring or authorizing the holding of a contested case proceeding in the particular circumstances involved. If the board grants the request, the board shall issue a notice of hearing. If the board denies the request, the board shall issue a written order specifying the basis for the denial.

Suggestion 2. 33.8 add language that “Licensee may have representation at their own cost.”

*The committee agreed there may be another area where this statement would be more appropriate. Matt will explore other areas.*

**33.8(105) Legal representation.** Following the filing of a statement of charges, the office of the attorney general shall be responsible for the legal representation of the public interest in all proceedings before the board. The assistant attorney general assigned to prosecute a contested case before the board shall not represent the board in that case but shall represent the public interest.

Thomas Kale, Bettendorf Heating and Cooling, Bettendorf Ia.

My specific comments concern 641-33.31 (17A, 272C) Client Notification. This section calls for Licensee to notify clients within 15 days of license suspension, revocation or surrender, to the fact that the license has been

suspended and to obtain other professional services. Also it states compliance shall be a condition of reinstatement.....

*Matt suggested there was no need to change this language. Appropriate rules and provisions assure Iowa public is protected. The committee was split on this decision. Sue felt she wanted more research and Denny, Ron and Chuck agreed to leave as is.*

**33.31(17A,272C) Client notification.** Within 15 days (or such other time period specifically ordered by the board) of the licensee's receipt of the board's final decision, whether entered by consent or following hearing, which suspends or revokes a license or accepts a voluntary surrender of a license to resolve a disciplinary case, the licensee shall notify in writing all current clients of the fact that the license has been suspended, revoked or voluntarily surrendered. Such notice shall advise clients to obtain alternative professional services. Within 30 days of receipt of the board's final order, the licensee shall file with the board copies of the notices sent. Compliance with this requirement shall be a condition for an application for reinstatement.

Chapter 33 can be presented to the Board at the August Meeting to be effective in October.

#### Chapter X

The Committee will proceed without language on geothermal. The specialty licenses do need to be addressed.

Next Meeting: Thursday, August 5 at 10:30 a.m. in room 145.

Adjournment