Board Minutes
Iowa Plumbing and Mechanical Systems Board Meeting
May 21st, 2013 – 9:00 a.m.
University Hygienic Lab, DMACC
Iowa Lab Facility Rooms 207 & 208
Ankeny, IA

Call to Order

Mick Gage, Vice Chair called meeting to order at 9:00 am

Roll Call

Members Present:	**Members Absent:**	**Other Attendees:**
Jim Cooper		Carmily Stone
Michele Chalfant		Cindy Houlson
Mick Gage		Dan Hostetler
Robert Kunkel		Matt Oetker
Ronald Masters		Stephanie Belieu
Rod Schultz		Susan Van Horn
Sue Pleva		
Blas Hernandez		
Ken Sharp		

Minutes

A motion was made by Ken Sharp and seconded by Rod Schultz to approve the March 19, 2013 Minutes. Motion carried unanimously.

A motion was made by Ken Sharp and seconded by Sue Pleva to approve the April 15, 2013 Minutes. Motion carried unanimously.

Welcome New Board Members

There was an introduction of the new board members: Robert Kunkel with Brecke Mechanical Contractors out of Cedar Rapids, Iowa, has been in a supervisor position with them for the past eighteen years.

Michele Chalfant with Chalfant Plumbing and Heating in Webster City, she and her husband has run the business for about sixteen years.

There was an introduction of the present board members and staff to the new board members.

Election of Officers

Cindy Houlson gave a list of interested candidates: Ron Masters is interested in sitting as the Chair, Mick Gage is interested in holding his position as Vice-Chair, and Jim Cooper is interested in holding the Secretary position.

Sue Pleva nominates Ron Masters as Chair, Rod Schultz seconded. A motion was made to cast a unanimous decision for Ron Masters as Chair by Ken Sharp and seconded by Jim Cooper. Motion was carried unanimously.

Ron Masters nominates Mick Gage as Vice-Chair, Sue Pleva seconded. A motion was made to cast a unanimous decision for Mick Gage as Vice-Chair by Ken Sharp and seconded by Jim Cooper. Motion was carried unanimously.

Rod Schultz nominates Jim Cooper as Secretary, Blas Hernandez seconded. A motion was made to cast a unanimous decision for Jim Cooper as Secretary by Ken Sharp and seconded by Sue Pleva. Motion was carried unanimously.

Legislative Update **Ken Sharp**

Ken Sharp gave a brief summary of Executive Order 80 recommendations that came in on March 21st, 2013. Some of the recommendations were addressed in the SF427 legislation, such as the license expiration dates. There are also recommendations that the board does not have authority to address, such as statewide inspections and supervision requirements for apprentices. Greer Sisson from US Dept of Labor attended the meeting and provided a brief overview of the supervision requirements for apprentices. The federal regulations for apprentice supervision is because the apprentice is in training status and in that status must have a supervisor on-site overseeing their work (See 29CFR – Part 29).

Ken Sharp shared information on the Senate File 427 implementation with a brief overview of the legislative changes, summarized below:

1. Merge PMSB Contractor Licensing application with Iowa Workforce Development Contractor Registration application by July 1, 2017.
2. Requires the PMSB to adopt a state mechanical code.
3. Adopt an industry standardized examination.
4. Creates new licenses that better align with industry practices, most affecting the mechanical and sheet metal trades.
5. Establishes transition provisions between January 1, 2014 and the effective date of the new licensing structure that takes effect July 1, 2014.

Met last week with the Industry partners to go over a draft set of the rules resulting from SF427 and will be meeting again in the next couple weeks to get the process moving. Ken would like to see an additional board meeting in late June or early July to get to rules going through the 110 days or it could take up to six months to get through the process.

We are waiting for our contract for our software program to get the licensing changes in place before the renewal period. Iowa Interactive contract has been extended another six months. Then we will have to see who the vendor will be to get everything in place.
Rich Bolten & Dave Ruffcorn from Department of Public Safety presented information to the board regarding the DPS authority over the mechanical code. DPS wants to keep the ability to do plan review, inspections, and code for publicly funded projects such as state buildings, public schools, etc. IDPH and DPS have discussed the need to create a Memorandum of Understanding between the two agencies to clarify this authority relative to the mechanical code. In addition, it was agreed that DPS representatives will serve on the PMSB committee established to work on the mechanical code adoption.

Contractor Licensing Update **Cindy Houlson**

Cindy Houlson shared to-date there are 815 contractor licenses. There is an updated list of licensed contractors on our website.

Committee Reports and Recommendations for Actions

Matt Oetker gave a brief explanation of the committees for the new board members.

Administrative Rules Committee **Rodney Schultz, acting committee chair**

Hasn't met, they have been waiting for the new bill come through.

CEU Committee **Jim Cooper, acting committee chair**

There were about 30 classes/instructor applications that came through. The majority of them were approved and there were a few that needed more information.

Chapter 29 Committee **Ron Masters, committee chair**

There was a teleconference about smoothie machine that was going into a Casey's. They were inquiring if they need the license and the committee determined that they would need the license to install the machines.

There were two applications that came in for review of the committee. Darrin Pugh sent in an application where he had training at SE Community College in Nebraska and wants to get his service tech license using his schooling and experience with the college. The committee recommends that the board approves the service tech license for this individual through SE Community College. Isaac Richmond from Sumner, IA wants to get relicensed but didn't submit anything to do so. The committee recommends a letter for him to send in more information. North Iowa Area Community College is changing the name of class. The committee recommends submitting the new information for approval.

A motion was made Mick Gage for board approval for Darrin Pugh's credentials for his license and seconded Jim Cooper. Mick amended his motion to clarify that this approval for the education and training requirements is as equivalent to the service tech requirements. Sue Pleva seconded. Motion carried unanimously.

Code Committee **Mick Gage, committee chair**

IAC Chapter 25 State Plumbing Code – Did not meet

Discipline Committee **Sue Pleva, acting committee chair**

Met and will be discussed next closed session board meeting.

Committee Member Assignments

Administrative Rules Committee		Chair - Rodney Schultz		
Members:	Blas Hernandez	Ron Masters	Sue Pleva	
Notes: Stephanie Belieu				

Application and Fees Committee		Chair – Sue Pleva		
Members:	Mick Gage	Ron Masters	Ken Sharp	
Notes: Stephanie Belieu				

Chairs Committee		Chair – Ron Masters		
Members:	Jim Cooper	Mick Gage	Sue Pleva	Rodney Schultz
Notes: Cindy Houlson				

Chapter 29 Committee		Chair - Ron Masters		
Members:	Jim Cooper	Mick Gage	Bob Kunkel	Ken Sharp
Notes: Stephanie Belieu				

Code Committee		Chair - Mick Gage		
Members:	Michele Chalfant	Blas Hernandez	Ron Masters	Rodney Schultz
ADHOC:	John Kelly			
Notes: Stephanie Belieu				

Continuing Education Committee		Chair – Jim Cooper	
Members:	Mick Gage	Sue Pleva	Rodney Schultz
Notes: Lisa Kenworthy/ Ramona Cooper			

Disciplinary Committee		Chair – Sue Pleva	
Members:	Mick Gage	Bob Kunkel	Ron Masters
Notes: none taken			

Med Gas Piping Committee	Chair – Mick Gage		
Members: Blas Hernandez	Rodney Schultz		
Notes: Stephanie Belieu			

Reciprocity Committee	Chair - Ron Masters		
Members: Jim Cooper	Blas Hernandez	Sue Pleva	Rodney Schultz
Notes: Stephanie Belieu			

Testing and Exam Committee	Chair – Jim Cooper	
Members: Mick Gage	Bob Kunkel	Ron Masters
Notes: Wendy Zimmerline		

Other Business

There was no other business.

Public Comment

Bill Schwitzer, IAPMO – was wondering if the online training is approved or not and if it is who do they send their certification and the online training into.

Ken Sharps response was online training is already approved for up to two hours each licensing cycle. That is a part of the licensing process for CEU's approval. What is pending is there are some draft rules that board as prepared to increase the amount of online hours that can be used towards their renewal for CEU requirements. The rule is only questioning how many hours will be approved online.

Cindy Houlson explained the instructor will have to complete the application called the electronic Course application and submit it the office for board approval.

Bill Schwitzer also explained the history and issues between the mechanical code companies and the separation of the codes.

Unlicensed Complaint Discussion

Cindy Houlson stated there isn't any for open session. Matt Oetker advised this will be discussed in closed session.

Discussion: License Requirements for Property Management Companies

Cindy Houlson shared this agenda item was added in response to an anonymous inquiry regarding licensure requirements for property management companies. The Discipline Committee recommended sending a letter to property management companies explaining licensure requirements.

Jim Cooper made motion to open a complaint to Terrus. Jim Cooper made motion to open a complaint to CB Richard Ellis. Jim Cooper made motion to open a complaint to Jones Lang LaSalle. Jim Cooper made motion to open a complaint to Hubbell Property Management. Robert Kunkel seconds to open a complaint on Terrus, CB Richard Ellis, Jones Lang LaSalle, and Hubbell Property Management.

After further discussion Jim Cooper made a motion to withdraw his motion to open complaints against Terrus, CB Richard Ellis, Jones Lang LaSalle, and Hubbell Property Management seconded by Robert Kunkel.

The board agreed with the committee to send a certified letter to the above mentioned property management companies explaining licensure requirements with follow-up with Dan Hostetler.

Application Review

No applications for the board to review

Closed Session Discipline Review and Closed Session Deliberation

At 11:17 a.m. a motion was made by Ken Sharp and seconded by Jim Cooper for the board to go into closed session to discuss complaints according to Iowa Code section 21.5(1)(d). In accordance with Iowa Code section 21.5, portions of the meeting, when confidential materials are reviewed, are held in closed session**.** A roll call vote was taken Jim Cooper, Michele Chalfant, Mick Gage, Robert Kunkel, Ronald Masters, Rod Schultz, Sue Pleva, Blas Hernandez, and Ken Sharp present. Motion carried unanimously.

At 12:07 p.m. a motion was made by Ken Sharp and seconded by Mick Gage to go out of closed session. Motion was carried unanimously.

Open Session

Unlicensed Action

A motion was made by Ken Sharp seconded by Rod Schultz to close case number PM20110029F. Motion carried unanimously.

A motion was made by Ken Sharp to close the following case numbers: PM20110029 HiMEC Mechanical, PM20120033A Staner Heating and Plumbing, and PM20100045 Cress Refrigeration involving unlicensed contractors with a letter of warning regarding contractor licensure requirements and seconded by Rod Schultz. Motion carried unanimously.

A motion was made by Ken Sharp to close case number PM20100027 Winona Controls, Inc. with a letter of warning regarding contractor licensing requirements and seconded by Sue Pleva. A roll call vote was taken; for aye – Jim Cooper, Michele Chalfant, Robert Kunkel, Ronald Masters, Rod Schultz, Sue Pleva, Blas Hernandez, and Ken Sharp; for nay – Mick Gage. Motion carried.

A motion was made by Ken Sharp to close case number PM20100028 Superior Plumbing, Inc. with a letter of warning regarding contractor licensing requirements and seconded by Jim Cooper. A roll call vote was taken; for aye- Jim Cooper, Michele Chalfant, Robert Kunkel, Ronald Masters, Rod Schultz, Sue Pleva, Blas Hernandez, and Ken Sharp; for nay – Mick Gage. Motion carried.

A motion was made by Ken Sharp to close case number PM20110028 Ryan Mechanical with a letter of warning regarding contractor licensing requirements and seconded by Jim Cooper. A roll call vote was taken; for aye- Jim Cooper, Michele Chalfant, Robert Kunkel, Ronald Masters, Rod Schultz, Sue Pleva, Blas Hernandez, and Ken Sharp; for nay – Mick Gage. Motion carried.

A motion was made by Ken Sharp and seconded by Jim Cooper to move to adopt a notice of intent to impose civil penalty for case number PMUL20110029B Rick Aske and case number PMUL20110029C Kevin Ericson in the amount of $250.00, penalty for unlicensed work in the hydronics trade. Motion carried unanimously.

A motion was made by Ken Sharp and seconded by Jim Cooper to move to adopt a notice of intent to impose civil penalty for case number PMUL20110029D Don Lucksted and case number PMUL20110029E Tony Kiefer in the amount of $250.00, penalty for unlicensed work in the HVAC trade. Motion carried unanimously.

A motion was made by Ken Sharp and seconded by Jim Cooper to move to adopt a notice of intent to impose civil penalty for case number PMUL20110029G Patrick Wagner, case number PUML20110029H Brian Giles, case number PMUL20110029J Brad Nierman, and case number PMUL20110029K Jonathan Stroup in the amount of $250.00, penalty for unlicensed work in the plumbing trade. Motion carried unanimously.

A motion was made by Ken Sharp and seconded by Jim Cooper to move to adopt a notice of intent to impose civil penalty for case number PM20120033B Jesse Takes in the

amount of $500.00, penalty for unlicensed work in the plumbing and HVAC trades. Motion carried unanimously.

A motion was made by Ken Sharp and seconded by Mick Gage to move to adopt a notice of intent to impose civil penalty for case number PM20120033C Nathan Spahr in the amount of $250.00, penalty for unlicensed work in the plumbing trade. Motion carried unanimously.

Licensee Discipline

A motion was made by Ken Sharp and seconded by Jim Cooper to move to close the following cases; PM20130039, PM20130040, PM20130041, PM20100014, PM20100047, PM20110029L, and PM20120011. Motion carried unanimously.

A motion was made by Ken Sharp and seconded by Mick Gage to move to adopt the statement of charges as drafted in case number PM20120033. Motion carried unanimously.

A motion was made by Ken Sharp and seconded by Jim Cooper to move to adopt the statement of charges as drafted in PM20110029A. Motion carried unanimously.

Adjournment

At 12:19 p.m. a motion was made by Ken Sharp and seconded by Jim Cooper to adjourn the meeting. Motion carried unanimously.

Next meeting is scheduled for July 16th, 2013:
University Hygienic Laboratory, DMACC,
Iowa Lab Facility Rooms 207 & 208,
2220 S. Ankeny Blvd.
Ankeny, IA