

Plumbing and Mechanical Systems Board Meeting
Tuesday, March 12, 2012
University Hygienic Lab,
DMACC 2220 S. Ankeny Blvd., Ankeny IA,
Iowa Lab Facility Rooms 207 & 208

Call to Order – Chair, Jane Hagedorn called the meeting to order at 9:00 a.m.

Roll Call: Jim Cooper, Mick Gage, Jane Hagedorn, Blas Hernandez, Ron Masters, Dennis Molden, Susan Salsman, Ken Sharp, Chuck Thomas and Brita Van Horne

Staff: Cindy Houlson, Matt Oetker, September Lau, Susan VanHorn, Bryant Reynolds, John Kelly and Mary Swinehart

Absent: Jenny Pitts

February 21, 2012 Minutes

Two corrections were submitted:

Page 2, second paragraph House File should be 2285

Page 11, Ron Masters name was misspelled

Ron Masters made a motion to approve February 21, 2012 minutes with noted changes, seconded by Brita Van Horne. Motion carried unanimously.

Hydronics Legislation Ken Sharp

Ken Sharp reported that hydronic legislation has passed both chambers of the legislature as of yesterday. This legislation has been messaged to the governor's office.

Senate 2275 formerly bill 25 to create a separate license for solar thermo systems did not get included with the first or second funnel. This bill is likely dead for the year, however Ken will check to be sure.

Contractor Licensing Update Ken Sharp & Susan VanHorn

Ken reported that after meeting with staff on development of contractor licensing there are a lot of unanswered questions such as:

- Is the official business address or where the actual business is located?
- Master of record has previously been discussed, as it one master per trade do local officials need to know of each master tied to a contractor?
- Should a master of record disassociate from a contractor beyond six months what type of actions will be taken?
- How will insurance and bonding information be handled when insurance and bonding are renewed yearly and license would be for three years. What actions when insurance and/or bonding lapses?
- Looking at union shops, workers come in and out of shops. How often does master of record change? How to track effectively?
- Do we have active and inactive or are there different levels, such as when insurance and bonding lapse?

The board agreed that the Applications and Fees Committee will spearhead this effort. Susan VanHorn will compile a list of questions and distribute to members then a conference call will be scheduled to discuss questions.

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Notice of Intended Action Chapter 28 and Chapter 29

Cindy Houlson reported that Notice of Intended Action for Chapter 28 and 29 public hearing will be held April 10, 2012 at different sites throughout the state. The site for Des Moines will be the Iowa Economic Development Authority at 200 East Grand. Information may be found at www.legis.state.ia.us/asp/BulletinSupplement/bulletinListing.aspx Information will also be distributed on the list serve. Public comments can be submitted starting tomorrow.

Committee Reports and Recommendations for Actions:

Administrative Rules Committee

Susan Salsman, committee chair

Susan Salsman reported this Committee has reviewed waiver requests and is ready to discuss. Next committee meeting is scheduled for the April 5th.

Continuing Education Committee

Jane Hagedorn, committee chair

Jane Hagedorn reported this committee met yesterday and continues to review applications for instructors and courses. This committee continues to meet the Monday preceding the board meeting. Jane shared statistics for processing applications.

Discipline Committee

Jane Hagedorn, committee chair

Jane Hagedorn reported this committee continues to review cases and will be bringing forward some cases under the heading of Unlicensed Complaint Discussion. There will not be closed session meeting today.

Jane would like to get board input for action on complaints received of out of state contractors performing work in Iowa without a license. It is difficult to identify individuals to bring action against. Following Discipline Committee discussion recommendation was made to send a letter requesting documentation on work a company is performing in Iowa, thus putting the company on point. Additionally a recommendation was to communicate in local area newspapers the need to employee licensed trades people. When an invoice is received and an individual company is charging sales tax, information is forwarded Sales Tax Division of the Iowa Department of Revenue

Ken Sharp asked what type of difficulties are being experienced trying to find out who the individuals are?

Jane responded: one example reviewed last month. An out of state company was doing work for a particular church. The church was contacted and yes that company did perform work, invoices were received identifying the technicians as Matt and Jim. No last name was supplied, so we did not receive what we need to file charges.

Denny Molden commented that he felt most individuals that come from out of state are told to do so by the company they are working for or risk getting fired if they do not do so. Denny feels the main focus should be on the company.

September Lau responded that we cannot cite companies only individuals.

Jane Hagedorn commented that the committee felt a letter is less time consuming than having an investigator go to that area. We do not have the resources to send an individual to each area. This month five difference cases were received.

Blas Hernandez commented that each time a letter is sent it demonstrates our need.

Ken Sharp is supportive of sending a letter to put a company on notice. The board should work with Matt Oetker and September Lau on what we can legally request and how much we can push the issue. Ken felt there is limited value and impact to newspaper communication.

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Comment was made that electrical utilities will not activate service unless work is performed by licensed electrician. Perhaps there could be some discussions with utility companies to see if an agreement could be made such as the one used by the electrical group.

Testing and Exam Committee

Chuck Thomas committee chair

Chuck Thomas reported this committee met Feb. 27th and discussed direction to go with updates and changes. On March 2nd a conference call was conducted to receive response from Prometric on questions previously asked. Changes are in process and should take approximately 90 days. Gas questions will be added to refrigeration exam and refrigeration questions will be added to HVAC exams. Number of questions will be reduced leaving the time allowed the same thus allowing additional time for exams. Prometric was asked about catalog tests for hydronics, they do not have standardized.

Other Business

Cindy Houlson reported that election of officers is scheduled for the May 15, 2012 Board Meeting. Cindy requested anyone interested in running for office to please notify her.
Ron Masters commented he thinks they are doing fine right now and should leave the same.

Unlicensed Complaint Discussion

Jane Hagedorn reported the Discipline Committee is bringing forward three cases.

John Johnston PM20122008

Jane reported the complainant works for the State of Iowa and the incident took place on the worksite, R22 was discharged to the atmosphere. Also that same person was installing AC equipment without a license. The Committee recommended closing the case as State of Iowa employees are exempted from licensure requirements by Iowa Code section 105.11(9).” Further the committee recommended a letter be sent to the complainant informing him of avenues that can be taken to address the R22 issue as it is out of our jurisdiction.

Ron Masters made a motion to approve committee recommendations, seconded by Brita Van Horne. Motion carried unanimously.

Randy Jensen Case 20110003

Jane Hagedorn reported this complaint involves an unlicensed individual performing HVAC services in Davenport and warranted further investigation. Our investigator spoke to the complainant and to Mr. Jensen. Johnston Supply was contacted for additional information. Many invoices were provided indicating reference to HVAC, refrigeration and possibly hydronics. The Discipline Committee recommended going forward with charges of working without a license. Also the Iowa Sales Tax Division of the Iowa Department of Revenue will be notified.

September has drafted a notice of penalty, however it does not include refrigeration so will need a motion to adopt with corrections and amendments.

Chuck Thomas made a motion to adopt with corrections and amendments, Mick Gage seconded the motion. Motion carried.

Mick Gage made a motion to delegate Jane Hagedorn to accept and sign off on notice of penalty, Brita Van Horne seconded. Motion carried.

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David Beenken Case 20120005

Jane Hagedorn reported a complaint was received alleging that Mr. Beenken:

- (1) has been systematically defrauding elderly and vulnerable persons by overcharging for plumbing and HVAC work that was never performed;
- (2) has been charged with felony theft by the Wright County Attorney and has ultimately plead guilty to a reduced charge, pertaining to fraudulent delivery of plumbing services;
- (3) does not have a plumbing license and has been delivering plumbing services in the Clarion area;
- (4) does not have a State Sales Tax Permit and has been charging sales tax on his invoices and adding it to the amount he charges consumers.

The Discipline Committee recommends proceeding with charges of working without a license, should the board ever consider issuing Mr. Beenken a license there would be restrictions due to the severity of this case.

The Electrical Board has an ongoing investigation of Mr. Beenken's actions.

Denny Molden made a motion to file charges against Mr. Beenken for performing work without a license, charging \$250 per violation totaling \$3,500; Ken Sharp seconded the motion. Motion carried

Brita Van Horne made a motion to delegate Jane Hagedorn to finalize and sign the letter of charges. Denny Molden seconded the motion. Motion carried

The last case in the packet was for A-Okay HVAC located in Fairmont Minnesota, who was providing trades individuals to work in Iowa without a license, reviewed earlier.

Public Comment

Sheet Metal Workers' International Association Local 91 Scott Barber Jane Hagedorn commented on the last paragraph on Page 1 stating: "With a thirty-five dollar fee to the state and a sixty dollar fee each time the test is taken....." Clarification: the state charges a \$35 fee allowing an individual to take the exam as many times as needed during a year's time to pass the exam. The sixty dollar charge is a Prometric charge per journey exam.

Brian Kramer email (attached)

Chuck Thomas made a comment to the last sentence: "adding a fine to the cost would benefit your commission....." Fines are not deposited to the Plumbing and Mechanical Systems Board they are deposited to a general account.

Jerry Hintz, Local #263

Comment addressed to Chuck Thomas: used to get a monthly report on how many times a test was given and the number of people that passed it. That is the only way I can track what the pass/fail rate is. I agree with Scott Barber that I have the same problem. A lot of apprentices have gone to that thing and taken that test. It is getting very very expensive as I have apprentices that have taken the exam 7 and 8 times. They still do not have a license. When they take the test, it is not offered on Saturday, so they must take a day off work, creating more costs.

The large discussion last month to change the rules for people who did not get their renewal in time to pay a fine of \$100 and they can go again. The board should take a very close look at this apprentice as they serve a four or five year apprenticeship. For some reason they have to follow these rules. At least they completed an apprenticeship program, they have been doing the work, they go through the process of learning the codes; suggest charging them a stipend of \$300 and save them some money to get a license. Something has to be done as we have way too many apprentices that are taking this test, living by the rules and they

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are not getting a license. I like the idea of changing the number of questions. Prometric says you can pass the exam with a 70% for some reason we have 75% another option to lower that to 70%

Chuck Thomas responded. The 75% pass rate is in the statute this board has no authority to change. A change would require legislation. Chuck will follow up with Prometric about offering Saturday testing in Iowa City. We have spent a great deal of time discussing the exams. Unfortunately lumping HVAC into one category has made it difficult for individuals that perform one segment of the trade. We will try these changes for about a year to see how it works. I'm sure you will let us know.

Ken Sharp commented on discussions held on the licensing structure to have just two licenses.

Ron Masters inserted that Chapter 29 Committee has spent a great deal of time on this discussion and feels in the not too distant future that a proposal should be put together for legislation.

Ken Sharp responded that if we want to have a serious discussion about legislative changes that the advice we are receiving is that changes be put together. We need to start having those conversations this spring and early summer with the various industry partners so that we can have them help us with the legislative process, much like we had some success on the hydronic issue. The process, although painful in terms of the hydronic discussion, we learned quite a bit from that, if we get industry partners engaged early and get them working with us and legislators in the process we have an opportunity to have a rather smooth legislative process if we can get general buy-in for those changes. My advice to committee members, let's keep pushing and be ready this summer to have those conversations with the industry partners about serious changes in the licensing structure, not waiting till January to have that conversation with legislators. I believe we have made some ground with some key legislators in the hydronic issue and I think next year would be a good opportunity for us to have discussions, but we cannot wait till January.

With Board approval, the Chapter 29 Committee will compile a proposal and present recommendations to the board. Ken Sharp will join this Committee as Denny Molden's position will be available.

Jason Shanks, Local 33

Jason asked why an apprentice can not renew his license on line.

An apprentice can renew a license online within 60 days of their expiration date. Should an apprentice allow his/her license to expire beyond the 60 days from expiration they will need to complete a paper application with the \$25 application is waived.

What about resetting usernames and password? Can that be done over the phone?

Yes, the staff has reset many usernames and passwords. Should the individual have a current email address on his account he can reset his own password, by using that email address as his username.

Is a license for med gas required?

To work on medical gas in the state individuals are required to be certified. Our standard is NITC or equivalent that meets or exceeds requirements.

Andy Roberts Local 33

I know you will be having public comment sessions for Chapter 29 on April 10th. I just want to respond to a remark Ken had made in the minutes from last month: "He also feels that since other trades don't require re-testing for expired licenses we shouldn't either." The electricians do retest after 90 days so that is an industry standard for us, not doctors.

I don't know if the board would be interested in making all renewals due on January 1st of each year. Put it on one date so it is not so scattered. It is only going to get worse as we progress through licensing.

Ken Sharp responded we have had extensive conversations about renewal dates. We do not have the staff to handle a one date renewal.

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Andy: Why not work with a proven system like the electricians, I am comfortable with the 90 days rather than the 60 days.

Andy further suggested that board members attend meetings with industry partners such as the hydronic meetings.

Mick Gage and Jane Hagedorn responded they were both present as well as Ken Sharp

Mike Macula Local 125

I'm confused, last month we were compared to doctors to help push Chapter 29 on this emergency action plan then this month we are talking about all these people working in the state without a license. I'd like to think that we don't have doctors working in the state without license. Last month trades were compared to doctors and this month talking about individuals working in the state without a license. Maybe we should treat those working without license the same as doctors without licenses are treated.

Dates for Committee Meetings

Chapter 29 Committee is scheduled to meet on Thurs., March 29th at 10-11 a.m. in Lucas Rm. 319

Administrative Rules Committee is scheduled to meet on Thurs., April 5th 4-5:30 p.m. in Lucas Rm 518

Application and Fees Committee is scheduled to meet Thurs., April 12th 4-5 p.m. Lucas Rm. 518

Code Committee is scheduled to meet Mon., April 16th 12-2 p.m. in Lucas Rm. 518

Discipline Committee is scheduled to meet Mon., April 16th 12-2 p.m. in Lucas Rm. 518

Continuing Education Committee is scheduled to meet Mon., April 16th 2-3 p.m. in Lucas Rm. 518

Testing and Exam Committee is scheduled to meet Mon., April 16th 3-4 p.m. in Lucas Rm. 518

Chairs Committee is scheduled to meet Mon., April 16th 4-5 p.m. in Lucas Rm. 518

Jane Hagedorn informed the board members that starting next month we are going paperless. There will not be paper copies of agenda, minutes etc. Cindy Houlson will have a flashdrive with the information if needed.

Reconsideration of Waiver

Richard Kuckes 2011-37

Mr. Kuckes presented a plea for reconsideration of waiver. During the period when his license should have been renewed he experienced many personal hardships, such as his father moving in with him and being diagnosed with cancer, daughter's problem, attending VA for himself and his business burning.

Jane Hagedorn asked what renewal date was. July 19, 2011.

He realized it had expired on September 13, 2011. He has completed all CEUs prior to the 60 days lapse period.

Denny Molden made a motion to reconsider the denial of this waiver, Ron Masters seconded. Motion carried.

Following discussion the board examined factors set forth by rule.

1. *Does his special individual circumstances outweigh the goal of uniform treatment?*

Mr. Kuckes have circumstances outside of his control.

Vote of three to six in favor.

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2. *Prejudice the substantial rights of others*

Because his circumstances were unique, granting this waiver would not prejudice the substantial rights of others.

Voting yes that granting this waiver would prejudice the substantial rights of others were Brita Van Horne, Ron Masters, Susan Salsman and Chuck Thomas. Voting that it would not prejudice the substantial rights of others were Jim Cooper, Denny Molden, Blas Hernandez, Mick Gage and Ken Sharp

Majority voted it would not prejudice the substantial rights of others.

3. *Whether substantial and equal protection for the public health, safety and welfare would be afforded if he was granted this waiver.*

Denny Molden made a motion to grant this waiver request to allow Mr. Kuckes to renew his license without exam, Mick Gage seconded the motion. Roll call vote yes: Jim Cooper, Mick Gage, Blas Hernandez, Denny Molden, Ken Sharp. Voting no: Ron Masters, Susan Salsman, Chuck Thomas and Brita Van Horne. Motion carried.

Waiver of Administrative Rules

L. Thomas McDonald 2012-71

Susan Salsman chairperson for Administrative Rules Committee reported this individual forgot to apply to renew his license. It was a unanimous committee recommendation to deny this waiver as there were no extenuating circumstances presented that would differ from previous decisions.

Mr. McDonald made his presentation.

Following discussion the board examined factors set forth by rule.

1. *Are we imposing an undue hardship by requiring him to retest*

Yes votes: Jim Cooper, Mick Gage, Blas Hernandez, Ron Masters and Denny Molden, Ken Sharp. Voting no: Susan Salsman, Chuck Thomas and Brita Van Horne. Majority 'yes' rules

2. *Would waiving the rule in this case prejudice or harm the rights of any other person?*

Yes votes: Susan Salsman, Chuck Thomas and Brita Van Horne.

No votes: Jim Cooper, Mick Gage, Blas Hernandez, Ron Masters, Denny Molden and Ken Sharp.

Majority "no" rules

3. *Whether or not this has been set by statute?* Not mandated by statute.

4. *Will public health, safety and welfare be protected if the waiver request is granted?*

All yes votes

Ron Masters made a motion to grant Mr. McDonald's waiver, seconded by Denny Molden.

Yes votes: Jim Cooper, Mick Gage, Blas Hernandez, Ron Masters, Denny Molden, Brita Van Horne and Ken Sharp. No votes: Susan Salsman and Chuck Thomas. Motion carried.

Aaron Luke 2012-74

Susan Salsman chairperson for Administrative Rules Committee reported upon review of the Petition for Waiver that Mr. Luke had forgotten to make application for renewal. We did not see any unique or unusual circumstance therefore it was a unanimous decision to deny.

Aaron Luke made a presentation to the board.

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Following board discussion the board examined the factors set forth by rule.

1. *Would applying the rule result in an undue hardship on the petitioner?*

Yes votes: Jim Cooper and Dennis Molden.

No votes: Mick Gage, Blas Hernandez, Ron Masters, Susan Salsman, Ken Sharp, Chuck Thomas and Brita Van Horne.

Majority voted the rule would not result in an undue hardship on the petition.

2. *Would granting the rule prejudice or harm the rights of any other person?*

Yes votes: Blas Hernandez, Ron Masters, Susan Salsman, Ken Sharp, Chuck Thomas and Brita Van Horne.

No votes: Jim Cooper, Mick Gage and Denny Molden.

Majority voted the granting of this waiver would prejudice or harm the rights of others.

Brita Van Horne made a motion to deny Mr. Luke's request for waiver. Seconded by Susan Salsman.

Yes votes: Ken Sharp, Chuck Thomas, Blas Hernandez, Susan Salsman and Brita Van Horne

No votes: Jim Cooper, Mick Gage, Ron Masters, and Dennis Molden

Motion carried

Mr. Luke asked about the proposed rule change.

Ken Sharp explained that this rule making process will begin officially tomorrow. I would encourage you to weigh in during the Public Hearing and if you are not on our list serve that you join. Staff will share with you on how to join the list serve. That is a 110-120 day process at a minimum in order for that rule change to go through and it is only contingent upon this board agreeing to go through with it after public comment. Public comment is very important. The implication is that is 120 days to even have that option available to you as outlined in the proposed rule change; today the only option is reexamination. The rule that is drafted would extend the lapse period from 60 days up to 365 days, one year from the expiration date to pay a penalty. After it is 365 days it is retaking the CEUs or passing the appropriate exam. Public comment locations are on list near the sign in sheet.

Break for lunch at 12:44

Return 1:17 p.m.

Jane Hagedorn introduced Rodney Schultz who will be joining our board. Ken Sharp commented that it would become official before the Legislature ends. The other person that was to join the board has withdrawn so another will be accepted for the other vacancy.

Des Moines Area Regional Transit Authority Jim Garrett 2012-70

John Kelly presented that this request is to waive the requirement that hose bibs to be connected to the rainwater harvesting system that is being installed on the new DART Central Station Project. This is a permanent request as the rainwater harvesting system is a permanent installation. The UPC (section 1618) clearly states the requirement for hose bibs, however the Green code (section 503.9.1) differs.

Susan Salsman chairperson for Administrative Rules Committee reported upon review of the Petition for Waiver there was a unanimous denial.

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Following discussion of the board, it was agreed there are a lot of unanswered questions. The board agreed to invite Mr. Garrett to the next board meeting to be able to provide answers. Some of the concerns are:

Is adequate backflow protection provided to avoid the possibility of cross-contamination when using rainwater to flush toilets?

Where is lock box to be located and who has access?

The board would like to see the plans for the system.

Is there some type of filtering or sanitizing of the water?

Ken Sharp made a motion to invite Mr. Garrett to the next board meeting to provide additional information. Brita Van Horne seconded. Motion carried.

There was a discussion about connecting a system by a certified rain scaper. Storm water piping is addressed in the UPC.

The Code Committee will address this question and make a recommendation to the board.

Jesse Ulrich 2012-73

John Kelley reported this is similar to other waiver requests we have received. An addition is being constructed and they are asking for a waiver to installing any plumbing fixtures. They are indicating that at a future point (3-5 years) a gym will be built at which time restrooms and new locker rooms will be built to service both the new gym and this project. In the meantime, existing restroom facilities in the existing shop building are not used at the same time of day as the new addition.

John indicated that any addition is required to meet the building code. There is no excess capacity in those buildings.

Susan Salsman chairperson for Administrative Rules Committee reported upon review of the Petition for Waiver and looking at the existing school there appears inadequate fixtures. This committee voted unanimously to deny.

Ken Sharp suggested due to the lack of information provided that the Architect, Anna Harmon of Cannon, Moss, Brygger and Associates be invited to the next board meeting.

Mick Gage made a motion to deny this petition of waiver. Denny Molden seconded. Vote of board membership was: in favor of denying: Brita Van Horne, Chuck Thomas, Susan Salsman, Denny Molden, Blas Hernandez, Mick Gage and Jim Cooper; in favor of not denying was Ken Sharp. Motion carried.

Richard Frickson 2012-66

Susan Salsman chairperson for Administrative Rules Committee reported upon review of the Petition for Waiver that Mr. Frickson had forgot to make application for renewal. We did not see any unique or unusual circumstance therefore it was a unanimous decision to deny.

Following board discussion the board examined the factors set forth by rule.

1. *Would applying the rule result in an undue hardship on the petitioner?*

There were no special circumstances presented that indicated an undue hardship.

2. *Would granting the rule prejudice or harm the rights of any other person?*

Yes, as he is held to the same standards as other individuals who renewed their license in a timely manner.

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Susan Salsman made motion to deny Mr. Frickson's petition of waiver. Jim Cooper seconded. Roll call vote indicated all in agreement. Motion unanimously carried.

Doug Blackburn 2012-67

Susan Salsman chairperson for Administrative Rules Committee reported this waiver appears similar to previous waiver requests. There are no unusual or unique circumstances presented, therefore it was a unanimous committee recommendation to deny this waiver.

Following board discussion the board examined the factors set forth by rule.

1. *Would applying the rule result in an undue hardship on the petitioner?*
There were no special circumstances presented that indicated an undue hardship.
2. *Would granting the rule prejudice or harm the rights of any other person?*
Yes, as he is held to the same standards as other individuals who renewed their license in a timely manner.

Blas Hernandez made a motion to deny Mr. Blackburn's petition of waiver. Susan Salsman seconded. Roll call vote indicated all in agreement. Motion unanimously carried.

Gary Gardner 20121-68

Susan Salsman chairperson for Administrative Rules Committee reported this waiver fits the general format that has been received in the past. Petitioner forgot and let his license expire. It was a unanimous committee recommendation to deny this waiver as there was no extenuating circumstances that would differ from previous decisions.

Following board discussion the board examined the factors set forth by rule.

1. *Would applying the rule result in an undue hardship on the petitioner?*
There were no special circumstances presented that indicated an undue hardship.
2. *Would granting the rule prejudice or harm the rights of any other person?*
Yes, as he is held to the same standards as other individuals who renewed their license in a timely manner.

Brita Van Horne made a motion to deny Mr. Gardner's petition of waiver. Denny Molden seconded. Roll call vote indicated all in agreement. Motion unanimously carried.

Dwain Sanford 2012-69

Susan Salsman chairperson for Administrative Rules Committee reported this waiver fits the general format that has been received in the past. Petitioner forgot and let his license expire. It was a unanimous committee recommendation to deny this waiver as there was no extenuating circumstances that would differ from previous decisions.

Following board discussion the board examined the factors set forth by rule.

1. *Would applying the rule result in an undue hardship on the petitioner?*
There were no special circumstances presented that indicated an undue hardship.
2. *Would granting the rule prejudice or harm the rights of any other person?*
Yes, as he is held to the same standards as other individuals who renewed their license in a timely manner.

Chuck Thomas made a motion to deny Mr. Sanford's petition of waiver. Susan Salsman seconded. Roll call vote indicated all in agreement. Motion unanimously carried.

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Allen Webb 2012-72

Susan Salsman chairperson for Administrative Rules Committee reported this waiver fits the general format that has been received in the past. Petitioner forgot and let his license expire. It was a unanimous committee recommendation to deny this waiver as there was no extenuating circumstances that would differ from previous decisions.

Following board discussion the board examined the factors set forth by rule.

1. *Would applying the rule result in an undue hardship on the petitioner?*
There were no special circumstances presented that indicated an undue hardship.
2. *Would granting the rule prejudice or harm the rights of any other person?*
Yes, as he is held to the same standards as other individuals who renewed their license in a timely manner.

Jim Cooper made a motion to deny Mr. Webb's petition of waiver. Susan Salsman seconded. Roll call vote indicated all in agreement. Motion unanimously carried.

Dale Maddison 2012-75

Susan Salsman chairperson for Administrative Rules Committee reported he did not renew. The committee voted unanimous denial due to no extenuating circumstances that differ from previous decisions.

Following board discussion the board examined the factors set forth by rule.

1. *Would applying the rule result in an undue hardship on the petitioner?*
There were no special circumstances presented that indicated an undue hardship.
2. *Would granting the rule prejudice or harm the rights of any other person?*
Yes, as he is held to the same standards as other individuals who renewed their license in a timely manner.

Brita Van Horne made a motion to deny Mr. Maddison's petition of waiver. Susan Salsman seconded. Roll call vote indicated all in agreement. Motion unanimously carried.

David Nichols 2012-76

Susan Salsman chairperson for Administrative Rules Committee reported he did not renew. The committee voted unanimous denial due to no extenuating circumstances that differ from previous decisions.

Following board discussion the board examined the factors set forth by rule.

1. *Would applying the rule result in an undue hardship on the petitioner?*
There were no special circumstances presented that indicated an undue hardship.
2. *Would granting the rule prejudice or harm the rights of any other person?*
Yes, as he is held to the same standards as other individuals who renewed their license in a timely manner.

Blas Hernandez made a motion to deny Mr. Nichols's petition of waiver. Denny Molden seconded. Roll call vote indicated all in agreement. Motion unanimously carried.

Norbert Wilson 2012-77

Susan Salsman chairperson for Administrative Rules Committee reported he did not renew. The committee voted unanimous denial due to no extenuating circumstances that differ from previous decisions.

Following board discussion the board examined the factors set forth by rule.

1. *Would applying the rule result in an undue hardship on the petitioner?*
There were no special circumstances presented that indicated an undue hardship.

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2. *Would granting the rule prejudice or harm the rights of any other person?*

Yes, as he is held to the same standards as other individuals who renewed their license in a timely manner.

Chuck Thomas made a motion to deny Mr. Wilson's petition of waiver. Blas Hernandez seconded. Roll call vote indicated all in agreement. Motion unanimously carried.

Request to move waivers back to earlier in the agenda.

Matt Oetker commented that he believes the industry partners have not been exposed to this waiver process and perhaps it would be beneficial for them to experience this process. Alternatively, scheduling the waivers to begin at 1:00 p.m. to allow waiver requesters to not have to wait.

Susan Salsman suggested that for those individuals attending the meeting and wish to present their waiver be allowed to present earlier in the meeting and complete the remainder of the individuals starting at 1:00 p.m.

Jane Hagedorn commented that the waivers were listed higher in our agenda; they were moved due to a request from one industry partner who asked if the board's business be done first and waivers later so that they could leave. My compromise would be to have one month sooner and the next later in the agenda.

Denny Molden injected that should the rule change go through this will be a mute point.

Ken Sharp responded that the first possible adoption of that rule would be after the scheduled board meeting. The board could call a special meeting on April 29th that would help move the process along. We plan to share public comments at the April board meeting and decide if a special meeting is needed. It appears the first adoption date would be April 25th with the effective date of June 20th.

Chuck Thomas made a motion to adjourn the meeting. Mick Gage seconded. Motion carried.

Adjournment 2:34 p.m.

Next meeting is scheduled on April 17, 2012 at the Grimes State Office Building Room B50