

Plumbing and Mechanical Systems Examining Board

**August 19, 2008
Meeting Minutes**

The Plumbing and Mechanical Systems Examining Board met at the Iowa Department of Public Safety Building.

Call to Order and Roll Call

Board Members Present:

Ronald Masters, Chairperson
Jane Hagedorn, Vice Chairperson
Charles Thomas, Secretary
Patricia Broerman
Dennis Molden
Susan Salsman
Mickey Gage
Thomas Day
Stuart Crine

Board Members Absent:

Carol Crane
Ken Sharp

Staff Attending:

Cindy Houlson, Executive Officer
Heather Adams, Assistant Attorney General
Lynn Patterson, Legislative Liaison
Barb Nervig, Agency Rules Administrator
Talisa Miller, Administrative Assistant

Approval of Minutes

The meeting minutes from the July Meeting were approved.

Dennis Hogan, Contractor licensing

Mr. Hogan provided handouts to the board members and provided a brief history of his background. Mr. Hogan requested that the board review the responsibilities for the contractor licensing and made the following comments/suggestions:

- Contractors should have a financial responsibility – no testing requirements
- Would like the company to be bonded and obtain liability insurance
- City still could have its own bonding requirements

Brian Quirk (via conference phone), Intent of legislation

Mr. Quirk informed the board with comments about licensing the contractors. He mentioned that the intent of the law was to ensure that contractors would be required to be bonded and insured. He also informed the board that he had worked on the Electrician's licensing as well and that this issue had come up when their rules were developed and felt that it was prudent to include the requirement in the Plumber's licensing. It was Mr. Quirk understanding that the contractors would be required to obtain bonding and insurance. The employees of these contractors would be responsible for obtaining their continuing education and licensing. Mr. Quirk noted that if there are any discrepancies in the interpretation of the bill that he would be open to running another bill in January to make any necessary corrections.

Mr. Quirk also talked briefly about the fees for licensing plumbers and how the decision was left up to the board to set the schedule. He would also like the board to consider bringing the Plumbing Code under 28E to insure inspection. He encouraged the board to come up with a list of the things that they feel the law does not allow them to do and he would be willing to help the changes get made.

Chairperson Masters asked Heather Adams, Assistant Attorney, to comment on the requests presented by Dennis Hogan and Brian Quirk. Ms. Adams informed the board that they do not have the authority to license this issue (according to section 104c.18). Nowhere in the other sections does it list a license or discipline for contractors. She also stated that the Attorney General Tom Miller also agreed with her interpretation. Heather also explained that the code does not lay out a specific license requirement for contractors. One of the board members asked Heather if the board has the right to go against legal council and her response was yes, but in the event a lawsuit should take place against the board the Attorney General's office would not represent the board and the board would be responsible for its own legal representation.

Committee Reports and Recommendations for actions:

All Committee Chairpersons provided a brief report on the progress of their committee.

Administrative Rules Committee

- Group focused more on grandfathering, licensure, and routine maintenance. The group also referred to the Electrician's licensing for direction.

Application & Fee Committee

- The group viewed a presentation by Iowa Interactive on the database for applications.
- They went over the budget and worked on the fee schedule. They plan to work on the application process at the next meeting.

Testing/Credential Committee

- The group had a presentation by Stacy Hewitt, Contract Administrator with IDPH about the competitive process for selecting a vendor to provide testing for

- licensees. The group was informed that they would need to submit a Request for Information (RFI). The process will take three to four months.
- Committee chair asked the board for approval to submit the RFI.

Motion: Tom Day to allow Testing/Credential Committee to submit the RFI.

Seconded: Jane Hagedorn

Discussion: no further discussion was held

Vote: All ayes

Motion: Carried

- Jane Hagedorn requested to serve on the Testing/Credential Committee. Chairperson Masters approved request.
- The committee also asked the board to make a recommendation to the State Board of Health to review and update the 2000 Plumbing Code.

Motion: Chuck Thomas to make recommendation to Iowa Department of Public Health to update the 2000 Plumbing Code.

Seconded: Patricia Broerman

Discussion: no further discussion was held

Vote: All ayes

Motion: Carried

Reciprocity Committee

- The committee reviewed chapter 105 and looked at other states to see what their reciprocity requirements were.

Barb Nervig, Administrative Rules Coordinator

Barb informed the board upcoming deadlines for filing the rules. She explained that the next rule filing deadline would be August 20 by noon and that they could be filed as Notice of Intended Action, which would mean the rules could be adopted by October 15. If the rules are adopted and filed by October 17 then they could become effective by December 10. She told the group that they may want to reconsider moving the October 21 meeting date to October 15 to take better action on the rules. Chairperson Masters moved the October 21 meeting to October 15.

Motion: Jane Hagedorn to approve Chapter 27.

Seconded: Thomas Day

Discussion: no further discussion was held

Vote: All ayes

Motion: Carried

Barb also requested to file notice of Intended Action for chapter 28. Discussion about the sewer and water requirements in chapter 28 took place. The group talked about adding a subcategory for sewer/water under the plumbing code. Comments about adding other licensing such as water conditioning installers and heating/HVAC technicians under the plumbing code as special licenses were brought up. Heather Adams recommended that

the sewer/water section be removed but noted she would approve filing the chapter and making changes later as necessary. Heather did

Motion: Jane Hagedorn to defer Chapter 28 to be reviewed at the September 16 meeting.

Seconded: Susan Salsman

Discussion: no further discussion was held

Vote: 8 ayes 1 nay

Motion: Carried

Other Business

Request from Deb Prins for email comments to be added to the minutes. The board decided to add emails to minutes as addendums.

Developing Board policy for attending speaking engagements. The board needs a policy in place for attending speaking engagements. Chairperson Masters asked for comments to be sent to Cindy within the next two weeks.

The floor was opened for public comments.

Al Smith, CMS, International President of Refrigeration Society.

- Mr. Smith invited board members to attend the 73rd National Conference on September 15 in Indianapolis.
- Mr. Smith briefed the board about the services his business offers and offered his assistance to the board.

Dennis Hogan

- Mr. Hogan reiterated his concerns regarding the contractor being required to obtain bonding and insurance.
- Mr. Hogan also told the board members that the Attorney General's office can instruct them on what words are missing.

Public comments via email (see below)



Public Comment for
08 19 08.doc



Public Comment -
Deb Prins.doc

Motion by Thomas Day to adjourn the meeting, Susan Salsman **seconded**. The meeting was adjourned at approximately 11:35 am.

Respectfully submitted,

Talisa Miller
Administrative Assistant