

Minutes

**Plumbing and Mechanical Systems Board Meeting
October 16, 2012 - 9:00 A.M.
University Hygienic Lab, DMACC,
2220 S. Ankeny Blvd., Rooms 207 & 208, Ankeny IA,
Iowa Lab Facility Rooms 207 & 208**

Call to Order

Jane Hagedorn, Chair, called the meeting to order at 9:01 A.M.

Roll Call:

Members Present:

Jim Cooper
Mick Gage
Jane Hagedorn
Blas Hernandez
Ron Masters
Sue Pleva
Rod Schultz
Ken Sharp
Chuck Thomas
Brita Van Horne

Members Absent:

Jenny Pitts

Other Attendees:

Cindy Houlson
Susan Van Horn
Matt Oetker
September Lau
Sheri Cord
Mary Swinehart

Minutes

A motion was made by Ron Masters and seconded by Ken Sharp to approve the August 21, 2012 Minutes as presented. Motion carried unanimous.

Update Board Meeting Schedule

Jane Hagedorn

Reminder: There will be no IPMSB meeting in November. The next meeting will be Tuesday, December 4, 2012, with Committee Meetings held the Monday before, December 3, 2012.

Implementing Contractor Licensing – Roll Out

Ken Sharp

Ken reported he has sent information out and met with some of the State Legislators to refresh their memories that this licensing was going to be coming out. The staff of the Iowa Plumbing and Mechanical Systems Board is ready to start implementation and the first notification letters, licensing packets, and information should be received by potential licensees sometime the first week of November. We are sending information to all of our Master Licensees, plus a list of contractors provided by Iowa Workforce Development. We will also be sending out information via ListServe.

We will be waiving the initial license fee, but all the requirements for licensing will be expected to be met. These licenses, like all of our other licenses, will be issued for 3 years. The \$150.00 license fee will not go into effect until the 2014 renewal.

2013 Fee Structure Revisited

Ken Sharp

Ken handed out and reviewed spreadsheets he had made breaking down potential license fees and revenue that might be generated after January 2013. We do not have any licenses renewing in 2013, so the first renewal revenue would not be until 2014. The only license fees received on this new fee structure before 2014 would be new licenses. After meeting with members of our fiscal staff, a proposed license fee will be \$275 for a Master License and \$125 for a Journey License. The \$50 specialty license fees would increase to \$75.

This fee structure should allow us to meet our expenses with a carryover that does not exceed the 10% amount allowed by the Iowa Legislature. Ken Sharp and Matt Oetker will draft proposed rule for fees and will bring the drafted rule to the December IPMSB meeting.

Stakeholder Group Update

Ken Sharp

There is not much to report regarding the Stakeholders Group. IDPH received seven applications for the Stakeholders Group. Those applications have been shared with the Governor's office, and we are waiting for a decision regarding appointments.

COMMITTEE REPORTS

Administrative Rules: Brita Van Horne, Chair

Consideration for Adopt and File:

There were no public comments regarding Chapter 36, 57, 58, 59 and 60.

IAC 641 Chapter 36 Plumbing and Mechanical Systems Board – Petitions for Rule Making

IAC 641 Chapter 57 Iowa Plumbing and Mechanical Systems Board – Declaratory Orders

IAC 641 Chapter 58 Iowa Plumbing and Mechanical Systems Board – Agency Procedure for Rule Making

IAC 641 Chapter 59 Iowa Plumbing and Mechanical Systems Board – Fair Information Practices and Public Records

IAC 641 Chapter 60 Iowa Plumbing and Mechanical Systems Board – Noncompliance Regarding Child Support, Loan Repayment and Nonpayment of State Debt

A motion to adopt and file Chapters 36, 57, 58, 59, and 60 was made by Brita Van Horne, seconded by Ron Masters. Voice vote taken – motion carried unanimously

Effective Date for Chapter 28 & 29 amendments – **November 7, 2012**. These amendments were reviewed by the ARRC legislative committee on October 9, 2012. There were some negative comments voiced regarding Chapter 28 & 29 Amendments. One member requested a session delay, but the session delay motion was rejected.

Apps & Fees Committee: Mick Gage, Co-Chair

Ken Sharp has covered in his previous reports what was discussed at the Apps & Fees Committee Meeting held on October 15, 2012.

CEU Committee: Jane Hagedorn, Chair

Jane reported the CEU Committee is continuing to review course and instructor applications on a weekly basis with applications needing further review at the monthly CEU meetings.

Chapter 29 Committee: Chuck Thomas, Co-Chair

Chuck Thomas reported the Chapter 29 Committee had met to discuss a request by Midwest Technical Institute of Moline, Illinois to have their HVAC Diploma Course considered as equivalent for the Iowa HVAC Specialty License. After reviewing the materials submitted, it was the committee's recommendation that this course be accepted as equivalent. A motion was made by Ken Sharp, seconded by Jim Cooper to accept this course as equivalent. Voice vote taken, motion carried unanimously.

Code Committee: Mick Gage, Chair

Mick Gage thanks Brita and Blas for going through the comparisons of the Code reported there would be A waiver considered later in this meeting.

Discipline Committee: Jane Hagedorn, Chair

Discipline Committee met yesterday, October 15, 2012. We do continue to review cases and we are going to be going into closed session later hear some of those presented at that meeting. The Committee would like to bring forward a question and ask for a delegation. The Committee has been reviewing applications where the applicant has answered yes to a screening question and the office staff has determined further review is necessary by the Discipline Committee. Jane Hagedorn would like to ask the Board to delegate to our committee the responsibility of approving those that are straight forward and do not need discussion from the full Board. The full Board would always see the ones that are not clear cut and the committee feels require Board discussion and vote. A motion was made by Ron Masters to delegate to the Committee the authority to approve applications with yes screening questions that do not need further discussion, seconded by Rod Schultz. Voice vote taken. Motion carried unanimously.

Testing Committee & Exam Committee: Charles Thomas, Chair

No meeting was held.

Other Business

1. Cindy Houlson wanted to remind attendees to be sure to download the most recent paper application from the internet when sending in paper applications.
2. Ron Masters asked the Board to think about possibly changing meetings to bi-monthly or quarterly. Cindy stated she felt staff could handle whatever the Board decided. A special meeting could be called if needed. Committee meetings would be held at the discretion of the Committee Chairs. This will be considered and brought to the Board meeting in December.

Unlicensed Complaint Discussion – September Lau

We don't have any of these coming before the Board today, but the Committee did receive another complaint against an individual who had previously been cited by this Board for working without a license. The complaint alleges he is continuing to work without a license. The Board is investigating this complaint.

Public Comment:

Mike Machula, Local 125

Mike brought up a point regarding the Med Gas Licenses and increasing the fee. Licensees who hold a Med Gas certification have other fees to pay just to keep their certification and he didn't feel raising the license fee on the Med Gas license would be reasonable. Ken stated we would take that into consideration.

Mike also brought up the problems they have been having with testing and Prometric.

Jason Shanks, Local 125

Jason brought up problems with Prometric in assigning tests that people have already taken and then not giving them a refund when the error is found and the person needs to take another test.

Jason also had a question regarding the testing and the 2012 Codes. This will be taken up by the Testing Committee at their next meeting.

Waiver of Administrative Rules

1. Tony Gress – 641-28.1(5)c

Tony was present.

Tony is requesting a waiver from the 60 day rule due to neither he nor his employer having received any notification his license was due to expire. He did not find out his license was expired until he called about taking a class and was told his license had expired. He has taken the necessary CEUs for renewal. The ARC Committee's recommendation is to deny this waiver. After review by the Board, a motion was made by Brita Van Horne seconded by Mick Gage to approve the petition for waiver with submittal of an application form and the payment of a \$60.00 late fee. Roll Call vote. Those voting to approve: Jim Cooper, Mick Gage, Blas Hernandez, Ron Masters, Sue Pleva, Rod Schultz, Ken Sharp, Chuck Thomas, Brita Van Horne. Motion carried unanimously.

2. Ryan Alderman – 641-28.1(5)c

Ryan was present.

Ryan is requesting a waiver from the 60 day rule due to neither he nor his employer having received any notification his license was due to expire. He has taken the necessary CEUs for renewal. The ARC Committee's recommendation is to deny this waiver. After review by the Board, a motion was made by Rod Schultz seconded by Jim Cooper to approve the petition for waiver with the submittal of an application and payment of a \$120.00 late fee. Roll Call vote.

Those voting to approve: Jim Cooper, Mick Gage, Blas Hernandez, Ron Masters, Sue Pleva, Rod Schultz, Ken Sharp, Chuck Thomas, Brita Van Horne Motion carried unanimously.

Meeting Break: 10:34AM

Reconvened: 10:45AM

3. Newton Correctional Facility – 641-25

Ed Hicks and Aaron Baack were present from the Newton

The Newton Correctional Facility is requesting a waiver from Chapter 29 of the 2009 International Building Code, Section 2902. 1 Minimum number of Plumbing Fixtures.

The following Questions were answered:

a. Why would applying the rule result in an undue hardship on you?

Hardship would come with the added cost of renovating or changing the restrooms when they are not needed and they are also taking up space that is not needed and could be used for program space to train offenders and condition them for release.

b. Would waiving this rule prejudice or harm the rights of any other person?

Waiving the rule would not impose any prejudice or harm on any persons as all plumbing facility code requirements are handled elsewhere in the facility.

c. How will the public health, safety, and welfare be protected if the waiver request is granted?

Health, safety, and will remain protected for staff and offenders at the facility as all plumbing facility code requirements are handled elsewhere in the facility.

A motion to grant this waiver petition was made by Chuck Thomas seconded by Brita Van Horne. Roll call vote.

Those voting to approve: Jim Cooper, Mick Gage, Blas Hernandez, Ron Masters, Sue Pleva, Rod Schultz, Ken Sharp, Chuck Thomas, Brita Van Horne. Motion carried unanimously.

Closed Session Discipline Review and Closed Session Deliberation

At 11:02 AM a motion was made by Chuck Thomas seconded by Brita Van Horne that the Board 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.

The Board will also go into closed session to discuss the decision to be rendered in a contested case according to Iowa Code section 21.5(1) (f)

At 12:30PM a motion was made by Brita Van Horne seconded by Jim Cooper to go out of closed session.

Voice vote taken. Motion carried unanimously.

At 12:33 PM Chairperson Jane Hagedorn returned the meeting back to open session.

Open Session

A motion was made by Ken Sharp seconded by Jim Cooper to close on Docket Numbers PM20120041, PM20120050, PM20120045, PM20120051, PM20120048, PM20120043, PM20120046 and PM20120037
Voice vote taken. Motion carried unanimously.

A motion was made by Ken Sharp seconded by Brita Van Horne that the Board accept the statement of charges as drafted on Docket Number PM20120049

Voice vote taken. Motion carried unanimously.

Adjournment

At 12:39 PM a motion was made by Ken Sharp and seconded by Chuck Thomas to adjourn the meeting. Motion carried unanimously

THERE WILL BE NO MEETING IN NOVEMBER. The next meeting is scheduled for DECEMBER 4, 2012, 9:00AM at the Jesse Parker Building, Grant Room, 510 E 11th, Des Moines, IA .