

Plumbing and Mechanical Systems Board Meeting

Tuesday, December 4, 2012

Jessie Parker Building-Grant Room

510 E. 12th St., Des Moines, IA

Call to Order – Vice Chair, Mick Gage called the meeting to order at 9:00 a.m.

Roll Call: Mick Gage, Blas Hernandez, Ken Sharp, Brita Van Horne, Jenny Pitts, Sue Pleva and Rod Schultz.

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

Absent: Jim Cooper, Jane Hagedorn, Ron Master & Chuck Thomas

October 16, 2012 Minutes

Brita Van Horne made a motion to approve October 16, 2012 minutes. Motion seconded by Sue Pleva. Motion carried unanimously.

Update Board Meeting Schedule Mick Gage

The Board agreed to holding meetings every other month starting with the January 15, 2013 meeting. Committees will continue to meet monthly keeping the same established pattern. An emergency meeting can be held should there be a need.

Implementing Contractor Licensing-Roll Out Cindy Houlson

Cindy Houlson presented a status update on contractor licensing. From November 7 through November 28, 2012 there were 146 applications received. Ramona Cooper compiled a report indicating what type of information was not included with each application, preventing applications from being processed. An outstanding question for the board's attention is: Is \$500,000 liability insurance required aggregate amount or per occurrence? Board members agreed it should be per occurrence.

Sue Pleva made a motion that contractor liability insurance requires \$500,000 per occurrence. Brita Van Horne seconded the motion. Motion carried unanimously.

Mick Gage also mentioned our system can only accommodate one master per trade, per contractor.

Stakeholder Groups Update Ken Sharp

Ken Sharp reported that there are two stakeholder groups. The first one was established in April, 2012 to look at restructuring of Chapter 105. In September the executive order 80 came out that created stakeholder rule review groups, coming out of the governor's office. This board is the first body that had direction from the governor's office to establish a stakeholder group to review, in particular Chapters 28 and 29.

As we have been working with the original stakeholder group to look at Chapter 105 rewrite, focus was on how we streamline the number of licensing. This gets back to the discussion that we have two codes and yet we have four different trade licenses. How do we look at streamlining some of that? That group met in September, we decided that we needed to wait until the elections were over to get an idea of what the legislative body would look like going into the 2013 legislative session. In mid-November this group met again to discuss interest in still moving forward with legislation to look at streamlining the number of licenses. During that

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discussion we also raised the point that we are still waiting on the appointment of the members to the executive order stakeholder committee. We now have recommendations coming out of the original stakeholder group and a new stakeholder group that is coming that may have recommendations that may conflict with the original stakeholder group. It is going to be very difficult for the board to take a leadership role on either one of those situations, and I think all the partners recognize that. The partner group from the original stakeholder group is still very interested in moving forward with streamlining the number of licenses. Sandy Jacobs from ABC, their legislative liaison, is coordinating the efforts of the industry. They are stepping forward and taking the lead on drafting language that would look at reducing the number of licenses based upon some prior discussions. There is a diagram that breaks down how we are proposing to streamline the number of licenses. It comes down to a single plumbing license at journey and master level, a mechanical license at the master and journey level, then there were some called specialty trade licenses. Sheetmetal is one for the specialty trade license groups that would allow a specified level trade and be able to come up through apprenticeship programs that were designated as such. So the industry is taking the lead on that. Their next meeting is scheduled for December 6th to look at some of the draft legislation they are proposing. I will get a copy of that proposal out to the board to keep you apprised of what the industry is looking at. Focus is on the streamlining, reducing the number of licenses and better aligning those licenses with the code and the way the industry practices and their code development. The other piece discussed as part of that group was statewide inspections. That discussion is off the table. As the industry groups talked to their respective legislators they have received a very clear message that there is not an interest at this point in trying to take on statewide inspection. That will not be part of that effort.

Names of individuals received (7 or 8) for the executive stakeholder group have been submitted. Those names were sent to the governor's office around the first of October and we are waiting to hear from the governor's office on who makes the final appointments. We would expect that would occur before the first of the year. As soon as we learn more we will let you know. I would anticipate that this stakeholder group will not have any recommendations that would be likely eligible for discussion at the 2013 session. Perhaps during the next four to six months we could anticipate some input regarding our rules, and then we would have to take a look as to whether those rule recommendations would be dependent upon statutorily changes that would require legislation.

Mick: what can we tell people that have not had a license before and state they are getting nothing or it?

Ken: When they call our office we share with them that the board is sharing some of their frustrations and our recommendation is that they need to, as with anyone that has concerns about statutorily restrictions or limitations, speak with their respective legislator to express their concerns and desires.

CEU Compliance Report Ramona Cooper

Ramona Cooper presented a report of the CEU Compliance Review. 5% of licensees that renewed their license in 2011 were reviewed. There were 162 or 1/3 submitted online. Of those 162, there were not very many errors; four questions were reviewed. The renewals submitted on paper applications (324) were reviewed on 24 questions. There was no significant falsification identified as a result of this review.

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We don't see wide abuse of the CEU program.

Based upon this review is there anything we can do to avoid these challenges in the future?

Ramona commented that there are licensees are not aware that they need to maintain their CEUs. Some licensees are under the impression that as the roster is sent into us that we are keeping track of their individual CEUs.

Are you satisfied with 5% review that is very consistent with other board we oversee. Data indicates we do not have wide falsification.

Mick Gage would like to bring this back to the January meeting as there are four members not present for this meeting.

The entire present board felt it would be a good idea from an awareness standpoint to do a mailer or a report to all licensees to say we have completed our first round of compliance review and here are three most common problems noted and how they can avoid those problems in the future.

Ken asked that a draft be compiled that could be distributed to licensees for review by the board at the January meeting.

Committee Reports and Recommendations for Actions:

Administrative Rules Committee Brita Van Horne, Chair

Adopted Rules published in November 14, 2012 Iowa Administrative Bulletin, effective December 19, 2012

IAC 641 Chapter 36 Iowa 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

The board took action to adopt these rules, they will be reviewed at the Administrative Rules Review Committee on December 11 (no concerns are anticipate). The rules will become effective December 19, 2012, as long as there are no concerns from the ARRC.

Application and Fees Committee

In Jane Hagedorn's absence Mick Gage reported.

This committee discussed IAC 641 Chapter 28 Iowa Plumbing and Mechanical Systems Board – Licensure Fees and placed on hold.

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Continuing Education Committee

Mick Gage reported this committee continues to meet, reviewing applications for instructors and classes. This month there were 65 classes and instructors reviewed.

Chapter 29 Committee

Mick Gage reported a meeting was held online to discuss an application for a technician specialty license. This committee felt the criteria was met and recommended approval. The board agreed with the committee recommendation.

Jenny Pitts made a motion to accept this application for a technician specialty license. Sue Pleva seconded the motion. Motion was unanimously approved

Code Committee Mick Gage, Chair

Mick Gage, Code Committee chair reported this committee met yesterday to discuss the process of adopting the 2012 UPC Code. Next month we will be moving forward for adoption. We plan to keep the same amendments; section numbers may change so may need to reprint. Brita Van Horne will assure numbers are aligned. Code is not significantly different.

Discipline Committee

Items will be discussed later in closed session

Testing and Exam Committee

In Chuck Thomas' absence Mick Gage reported this committee is working on a RFP draft.

Ken Sharp reported that he and a representative from Prometric have been exchanging voice mails. Regardless where the conversations end up with our current vender – we have full discretion to move forward with a RFP. The present contract expires June 30, 2013 and we are not obligated to renew this contract.

Through the RFP process specific concerns from the board can be placed in the RFP that spell out more detailed expectations in terms of response times, providing us work plans in response for requests for changes, details and timelines. We hope to have that RFP posted in January or February and then look to transitioning to a new better contract with Prometric or then having conversations transitioning to another vendor.

With the 105 rewrite project would there be an impact on how the RFP is written?

There is certainly the possibility. If I recall the board is interested in going back to the standard tests Prometric already has available. With the intent of the changes for 105 to get the statoral language more consistent with how the industry practices and in terms of the codes, as well as how the trades are broken out in terms of licensing that may actually make it a simpler process to have better alignment if in fact there is legislation that comes out that does that type of restructuring. I will not support a six month transition from the current licensing structure to a new licensing structure. We did that when this board originally started and it is too short a time frame to make those kinds of changes.

There would be some challenges should we have a new vendor come in. To have a short period working under the current licensing structure and then transitioning to some potential new licensing structure. At this point we have no way to predict.

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Other Business

Unlicensed Complaint Discussion

Table till after closed session.

Public Comment

Jason Shank: At the last meeting I brought up an individual that holds a license and was told you would check on that and have not heard anything.

Ken Sharp responded: because of what you raised we are treating that as a confidential investigation. That individual does hold a license with us; we are looking at how the license was obtained. Because of that process we have to treat it confidentially until anything would come out of that. At this point we cannot discuss it any further other than we consider it a complaint and we are looking into it.

Mike Mennick: We still have an issue of the state adopting a mechanical code.

Ken Sharp responded: I would encourage you to take that back through the interest groups and raise that as part of their discussion of the legislative package they are pushing.

Waiver of Administrative Rules

Daniel Beachy 2012-122 641-25

John Kelly reported the Department of Inspections and Appeals as part of an inspection, submitted to us because their rules state they must meet the state plumbing code. Initial concern was the toilet among other things. Based on the inspectors understanding of the plumbing code she questions this facility meeting the plumbing code. She sent pictures to us for our review.

The toilet was constructed by the owner and was made out of concrete and wood. John went through the code and listed 9-10 things that are in the code that appear to be in conflict with the installation of the toilet. Things such as: it is not a listed fixture, smooth and impervious surfaces, water consumption per flush, walls of the fixtures, backflow protection, and a trap associated with the air vent. John presented his findings and they tried to clean it up a bit, put coating on the surfaces and ask if that would meet code. They then submitted a waiver.

The facility is owned by an Amish person and he states a water closet is in violation of their faith as it is considered a luxury. They did not address all the code violations addressed.

There also appears an issue with the water heater

The waiver addresses the toilet, however due to the pictures there may be many other concerns. Mick Gage suggested a site visit.

John Kelley will check with DIA to see if we could tag along to provide assistance to address deficiencies in the plumbing code.

It is difficult to communicate with the individual who submitted the waiver as they have no modern conveniences, no phone, etc.

The board agreed to hold on this waiver until we have opportunity to communicate. Sit down with individual and provide education and let them know the board is leaning toward denial. Get them to understand and try to find alternative solutions for them.

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Ken Sharp will speak to the representative from DIA. We can offer assistance in clarifying the plumbing code, however DIA ultimately makes the decision as to whether they open or not.

Closed Session Discipline Review and Closed Session Deliberation

At 10:12 Brita Van Horn made a motion, seconded by Sue Pleva to go into closed session to discuss complaints according to Iowa Code section 21.5(1(d)).

Open Session

Ken Sharp made a motion to close:

PM20120056

PM20129999

PM20120055

PM20100008

Motion to accept Statement of Charges as drafted for PM20120064 made by Ken Sharp, seconded by Brita Van Horne. Motion passed unanimously.

Motion to accept notice of intent as drafted for PM20120032A was made by Brita Van Horne and seconded by Ken Sharp. Motion passed unanimously.

Several applications for licensure were reviewed by the Discipline Committee and their recommendation was to approve the applications for apprenticeship. The Discipline Committee asked that the following cases be brought before the board to apprise them of these actions.

PM20120080 Due to his criminal record, the Committee felt that this individual be issued a license and a letter be drafted indicating that when he applies for a journey license that his application will be reviewed again and should there be additional criminal activities a license could be denied or conditions placed upon such a license. At this point the committee did not want to deny him an apprentice license or impose any conditions, they wished to reserve that until he applied for a journeyperson licensure. September is working on that letter and will present it to the board before sending.

PM20120080 and PM20120086 are both similar situations and the Committee agreed to issue them apprentice licenses and reviewed again when they apply for a journey license.

Mick Gage asked if a licensee requests his license be placed inactive, should that trigger an audit if they initially acquired their license with experience during the waiver period. The group agreed this should be an agenda item for the next meeting.

At 11:38 Ken Sharp made a motion to close. Brita Van Horne seconded. Motion passed unanimously.

Next meeting is scheduled for Tuesday, January 15, 2012