

Minutes

Plumbing and Mechanical Systems Board Meeting
August 21, 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 9:00 A.M.

Roll Call:

Members Present:

Jim Cooper
Mick Gage
Jane Hagedorn
Blas Hernandez
Ron Masters
Sue Pleva
Rod Schultz
Ken Sharp
Charles Thomas

Members Absent:

Jenny Pitts
Brita Van Horne

Other Attendees:

Cindy Houlson
Susan Van Horn
Matt Oetker
September Lau
Sheri Cord

Minutes

A motion was made by Jim Cooper and seconded by Mick Gage to approve the July 24, 2012 Minutes as presented. Motion carried unanimous.

Update Board Meeting Schedule

Jane Hagedorn

Jane discussed changes to the IPMSB meeting schedule. She suggested the September Board meeting be cancelled and the November Board meeting, because of the Thanksgiving holiday, be moved to December 4, 2012. The Committee meetings would meet at the regular time in September (September 17th), and the November Committee meetings would move to December 3, 2012. There were no objections, so meeting dates will be adjusted as suggested.

Revisiting Exam Requirements

Ken Sharp

Chapter 28 and 29 Notice of Intended Action

Ken reviewed a summary of the results of the public comments received regarding Iowa Code section 105.4, Chapter 28 & 29. This amendment is to relieve the burden of sitting for an exam from a licensee who has allowed his/her license(s) to lapse for more than 60 days, but not more than 365 days. These rules expire September 17, 2012. There has been some change in Board membership from the time these rules were initiated, so Ken is asking for discussion from the present Board and action as to whether these rules should move forward or be withdrawn from the rule making process. After a lengthy discussion from the Board and input from the public in attendance, Ron Masters made a motion that the rules, as presented be adopted and filed. Blas Hernandez seconded. Voting in favor: Blas Hernandez, Ron Masters, Jim Cooper, Ken Sharp, Sue Pleva, Voting opposed: Chuck Thomas, Mick Gage, Rod Schultz. Motion carried.

Implementing Contractor Licensing – Roll Out

Ken Sharp

Ken Sharp reported Contractor Licensing is ready to be rolled out. Ken asked the Board to act on the recommendation that the fee for the initial Contractor License be waived, with the requirement that bonding and insurance requirements will need to be met. Proposed roll out date will be October 1, 2012. Chuck Thomas made a motion Contractor Licensing be rolled out for a 3-year period with the initial fee waived and bonding & insurance requirements be maintained. Ron Masters seconded. Voice vote, one dissenting, motion carried.

105 Rewrite Meeting Update

Ken Sharp

This Committee did meet again the end of July. Consensus is the industry is going to have to push for statewide inspections, not the Board. Some of the other discussions were regarding how do we restructure the licensing to better align with the two trade codes. Future discussion will be on whether we can get everyone on the same page as to what that restructuring should look like as far as how the trades are broken out. Discussions are continuing with industry partners and looking at support from the legislature. No formal proposal drafted at this point.

Meeting Break: 10:30am

Reconvened: 10:50am

COMMITTEE REPORTS

Administrative Rules: Charles Thomas, Co-Chair

The rules listed on the Agenda have gone through pre-clearance and are now with the Code Editor. Once they are through the Code Editor, those rules are going to be published in the September 19th Iowa Administrative Bulletin, and the Public Hearing will be September 25, 2012. As they get published, more information will be put on our website and ListServe.

CEU Committee: Jane Hagedorn, Chair

The CEU Committee continues to meet on a monthly basis the Monday before the Board Meeting. Instructors and courses are also reviewed on a weekly basis via email.

Chapter 29 Committee: Chuck Thomas

Chapter 29 Committee met to discuss a Specialty Technician License application to determine if the on-the-job training experience listed was NATE equivalent. The Committee did find them equivalent. Moved by Ron Masters seconded by Rod Schultz to accept the Committee's determination of NATE equivalency. Motion carried unanimously.

Code Committee: Mick Gage, Chair

Code Committee continues to review the changes in the 2009 & 2012 Codes, principally the differences between the UPC and IPC and comparing them to see where we are at. We are not ready to bring forward at this time.

Discipline Committee: Jane Hagedorn, Chair

Discipline Committee met yesterday. We are without our investigator at the present time due to medical reasons. Jane asked Carmily Stone if there might be an opportunity for us to get a temporary investigator from DIA during Dan Hostetler's absence. Carmily has not heard back at this time. This Committee will also be bringing some cases to the Board today for final action.

Med Gas Committee: Charles Thomas, Chair

No Meeting Held

Dates for Next Month's Committee Meetings: Jane Hagedorn

Chapter 29 Committee	-September 13, 2012, 1pm – 2pm
ARC Committee	-September 13, 2012, 2pm – 4pm
Code Committee	-September 17, 2012, 11am - Noon
Discipline Committee	-September 17, 2012, 12pm -2pm
CEU Committee	-September 17, 2012, 2pm – 3pm
Testing Committee	-September 17, 2012, 3pm – 4pm

Other Business:**Fee Structure****Ken Sharp**

Ken reviewed the estimate of what the expenditures of the Iowa Plumbing and Mechanical Systems Board are projected to be in terms of how we structure the fee schedule. Ken presented figures that represented licenses held, licenses not renewed, and other license variables, and the problems in trying to reconcile the budget with some financial budgeting being on a fiscal basis and licensing revenue being calculated on a calendar basis for the 3 year cycle. Based on the estimated revenues for the period and the estimated expenditures, proposed license fees for the 3 Year License would be: Master: \$300-\$350, Journey: \$150 - \$200, Apprentice and Specialty Licenses remain at \$50, and multiple licenses would be eligible for a 30% reduction. More discussion will need to be held with the Bureau of Finance, Legislators, and Apps & Fees Committee before final decisions can be made.

Public Comments:**Jason Shanks – Local 33:**

Jason voiced a question regarding the approval of license applications from Apprentices and how applications are reviewed for approval to insure that applicants have actually completed their apprenticeship program.

Bill Schwitzer – IAPMO

Bill commented on why he felt retesting of renewal applicants is necessary.

Mike Minnick – City of Des Moines

Mike was asking whether a person needed an Iowa License to come in from out of state and install compressed natural gas for a company to use in refueling their fleet of vehicles. Some discussion ensued as to whether this would fall under Mechanical or Plumbing. Would it fall under IMC or UMC? Does it fall under the Fuel Gas Code? The Board provided guidance that a formal request would need to be made so the board can have time to review the information and make a recommendation.

Break for Lunch 11:50am**Reconvene: 1:20pm****Waiver of Administrative Rules****MMS Consultants – 2012-103**

No further information has been received on this waiver request. Board recommendation is to remove from the Agenda at this time.

Dennis Klemme – 2012-114 (641-28.1(5)c)

Dennis Klemme was not present

Dennis is requesting a waiver from the 60 day rule due to his employer taking care of his license renewal. His license renewed a few days ahead of the other employees. All applications were sent in together and because of his renewal date being different, his was late. The ARC Committee's recommendation is to deny this petition for waiver. This individual was short CEU credits as submitted. He did not meet the CEU requirements even if we had received this application on time. Jane questioned whether CEU information provided was correct as course information is different from information provided. Course was verified and wrong information was submitted. Motion made by Mick Gage to deny this waiver second by Jim Cooper. Roll Call vote. Those voting to deny: Mick Gage, Jim Cooper, Blas Hernandez, Charles Thomas, Ken Sharp, Rod Schultz, Ron Masters, Sue Pleva, Motion carried unanimously.

Terry Driscoll – 2012-115 (641-28.1(5)c)

Terry Driscoll was not present.

Terry is requesting a waiver from the 60 day rule due to his employer taking care of his license renewal. His application was sent in with a group of other employees and his renewal date was different so his application was late. This licensee was short CEU credits for license renewal. The ARC Committee's recommendation is to deny this waiver. A motion was made by Ron Masters seconded by Mick Gage to deny the petition for waiver. Roll Call vote. Those voting to deny: Ron Masters, Mick Gage, Jim Cooper, Blas Hernandez, Charles Thomas, Ken Sharp, Rod Schultz, Sue Pleva. Motion carried unanimously.

Dave Schoo – 2012-116 (641-28.1(5)c)

Dave Schoo was not present.

Dave is requesting a waiver from the 60 day rule due to his employer taking care of his license renewal. His application was sent in with a group of other employees. His renewal date was different so his application was late. This licensee was short CEU credits for license renewal. The ARC Committee's recommendation is to deny this waiver. A motion was made by Jim Cooper seconded by Rod Schultz to deny this petition for waiver. Roll call vote. Those voting to deny: Jim Cooper, Rod Schultz, Blas Hernandez, Jim Cooper, Mick Gage, Charles Thomas, Ken Sharp, Sue Pleva. Motion carried unanimously.

Denis Marchand – 2012-117 (641-28.1(5)c)

Denis Marchand was present.

Denis is requesting a waiver due to bad information he received from Representative Pettingill telling him his license expired in 2013 when in fact it expired earlier. Denis spoke regarding his misunderstanding of the change in licensing from 2 years to 3 years. He understood he had 3 years to renew his license instead of the 2 years he actually had. The ARC Committee's recommendation was to deny this waiver petition. After some lengthy discussion by the Board and presentation of information from Denis, it was the Board's decision to approve this waiver with the stipulations that Denis Marchand has 30 days from the ruling to take the necessary CEUs, submit verification with his renewal application and pay the appropriate license fee and late fees. A motion was made by Ken Sharp to approve this waiver petition seconded by Ron Masters with CEU stipulations. Roll call vote. Voting to approve: Ken Sharp, Ron Masters, Blas Hernandez, Rod Schultz, Sue Pleva. Voting to deny: Jim Cooper, Mick Gage, Chuck Thomas.

Brian Jensen – 2012-118 641-28.1(5)c)

Brian Jensen was not present

Brian is requesting a waiver from the 60 day rule because he was unaware his license had expired. ARC Committee's recommendation is to deny this waiver.

A motion was made by Jim Cooper seconded by Ron Masters to deny the petition for waiver. Voice Vote. Motion carried unanimously.

Closed Session Discipline Review and Closed Session Deliberation

At 2:18 PM a motion was made by Jim Cooper seconded by Ken Sharp 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. Roll Call Vote was taken with 9 members polled. Voting in favor were: Blas Hernandez, Charles Thomas, Jim Cooper, Ken Sharp, Rod Schultz, Ron Masters, Sue Pleva, Jane Hagedorn. Motion carried unanimously.

At 2:25 PM a motion was made by Chuck Thomas seconded by Blas Hernandez to go back into open session. Voice vote taken. Motion carried unanimously.

At 2:26 PM Chairperson Jane Hagedorn returned the meeting back to open session.

Open Session

A motion was made by Chuck Thomas seconded by Ken Sharp to close case Docket number PM2010-0017 and PM2009-0012.

Voice vote taken. Motion carried unanimously.

A motion was made by Chuck Thomas seconded by Jim Cooper to direct September Lau to file a Statement of Charges and send a Letter of Warning on case PM2012-0020 Voice vote taken. Motion carried unanimously.

Adjournment

At 2:27 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 SEPTEMBER. The next meeting is scheduled for **October 16, 2012**, at the University Hygienic Laboratory, DMACC, 2220 S. Ankeny Boulevard, Rooms 207 and 208, Ankeny, IA. .