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 Jane Hagedorn, Blas Hernandez, Ron Masters, Jenny Pitts, Susan Salsman,

Ken Sharp, Chuck Thomas and Brita Van Horn

Staff: Cindy Houlson, Matt Oetker, September Lau and Mary Swinehart

Absent: Mick Gage and Dennis Molden

November 15, 2011 Minutes

Jim Cooper made a motion to approve November 15, 2011 minutes Chuck Thomas seconded motion Motion carried with unanimous ayes

Contractor License Implementation Plan Ken Sharp Greater Des Moines Heating and Cooling Association

This is a follow up from the discussion held at the November Board Meeting regarding contractor licensing. The proposed timeline would be January through March for development and education, then April through June for licensing roll out.

At this point there are a lot of unanswered questions about how to manually manage a contractor licensing program and at the same time try to manage insurance and bonding requirements. Four areas have been identified:

Education:

There are a number of audiences to reach out to such as licensees, insurance industry, Iowa Workforce Development, legislators, local building officials and inspectors, public and CEU providers. A large population exists that does not know that this license exists.

Messages for specific audiences will be developed during January and February with roll out slated for late March (dependent upon outcomes of "licensing management")

Multi-media avenues such as website, listserv, facebook, association newsletters, print/radio media will be used for distribution of messages.

Licensing Management

Approval has been received to submit formal request to establish two additional full time positions, one will be the CEU position and the other will be for contractor/specialty licensing. This process takes several months to get approval and hire – no guarantees.

For the first several months contractor licensing will be a manual process as it is estimated 8-9 months for software development.

Current options appear to be Excel or Access – both have severe limitations

Meet with local building officials to investigate how they have managed local manual licensing and will seek input on minimum requirements for documentation in the field to help determine what documents need to be issued absent a licensing software program.

Manual licensing process presents significant challenges such as: issuance of an ID that can be transferred to the online system, tracking insurance/bonding, contractor documentation, data entry duplication, maintaining/monitoring master of record, responding to inquiries from cities regarding master of record, etc. Space concerns with an already packed office how to maintain several thousand manual/paper applications.

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Enforcement

Compliance focus for 2012 with enforcement beginning in 2013, if all goes as planned.

Contractors that have contractor licensing from local jurisdiction will not be required to obtain a state contractor license until 2013.

Confirm with cities what expiration dates exist for contractor licenses (calendar, fiscal or rolling year).

Rural contractors will be asked to submit applications ASAP, no later than January 2013.

Rule Changes

Greater Des Moines Heating and Cooling Association has requested adding the requirement for contractors to have their licensing number posted on vehicles and any advertisements. One of their concerns was the insurance requirement was far too small. This is a rule that applies statewide for the smallest and largest of operations.

Review rules as development occurs and create a tracking mechanism for any needed rule changes.

Are you anticipating specialty and contractor licensing to roll out at the same time? Specialty licensing will be sooner. We are in the second round of testing for specialty licensing. Best case scenario would be within the next two weeks if everything goes well with this testing.

Are we going to do some type of advertisement for the specialty licensing?

We do have some plans to reach out to the various trade schools, the community colleges as well as communication via the listserv.

Would renewal of contractor licensing fall the same as our other licenses?

I believe that would be correct, it would be a three year license. That is yet another challenge we face if a licensee comes in and is the master and the contractor; do we issue them a separate license with a prorated expiration date and how do we accomplish this manually.

From an administrative standpoint do you feel it is better to have expiration date staggered rather than a January of every year?

We try to spread the workload out over the year there are pros and cons to both options. That is one of the things we will take a look at – if it makes more sense from an insurance standpoint that these licenses are renewed at a specific time. Statue requirement is that we have a three year license.

One concern is that contractor licensing is linked to an insurance component and insurance does not run for three years.

It is our understanding that the insurance company will send notice to the state if cancelled or renewed. *A concern is that not all insurance companies or agents comply with sending notice.*Susan Salsman volunteered to help with some of the excel stuff in developing a process.

Concerns with excel and access are founded. All it takes is one error, it changes the whole thing. We would do backups daily, however just the mechanics of trying to manage all these issues with a manual process is the biggest concern. Iowa Interactive contract expires this year, so it is unknown if they will be here after September or if we have to transition to another vendor.

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Have you explored getting an independent interactive provider?

We have explored our options and presently they are DAS Information Technology Interprise and Iowa Interactive. There is a big effort in place to get all software development and management consolidated under the Department of Administrative Services. From our experience our best option is staying with Iowa Interactive.

Hydronics Issue Update Ken Sharp

The last meeting of this group was held in December. Recommendations that a few of the organizations were comfortable with is moving the language back closer to where it was prior to the legislative changes of 2011. The proposal on the table was to redefine hydronics to include only those systems used primarily for comfort heating and cooling. That makes me a bit uneasy, how can that be defined, what would it be used for, is there some way to establish how a system is used, is it primarily used for comfort heating and cooling or is it used for process work or something else? There was a commitment from the industry partners that they would get together and propose language they could agree upon and then reach out to the legislature with a proposed draft. Separate from that meeting Representative Pettengill indicated to me that her desire was to simply revert back to the language that was prior to the 2011 language. This would place the burden on the board to define the language.

Committee Reports and Recommendations for Actions:

Administrative Rules Committee

Susan Salsman, committee chair

This Committee has reviewed the waiver requests and is ready to discuss. This committee is scheduled to meet following the board meeting today.

CEU Committee

Jane Hagedorn, committee chair

This committee met yesterday and continues to review applications for instructions and courses. Weekly email meetings are continuing as well.

This committee has discussed the possibility of allowing more than two hours of the CEU requirements to be obtained via online course. This committee is seeking board input, knowing a change would require a rule change.

Full support that is the way technology is going more flexible we are, better off in the long run. (that was agreed by at least three members)

Final board decision was CEU committee to work on.

Are there safety courses available online?

We have 54 ecourses approved and I believe some of those are safety.

What is going to happen to the programs provided to the people that don't have the technology and still want to attend the classes? Are the CEU providers going to stop providing programs at the different locations? Is this going to replace some of the classes?

The Continuing Education Committee does not view as one replacing the other rather this would just give the licensee more flexibility. The CEU providers have taken the leadership role.

Jane asked for input on a rule change at this time.

In favor of a rule change, however we have just completed the biggest bulk of CEU requirements so there are three years for licensees to deal with those requirements. Waiting two to three months to initiate a rule change would not provide a big impact as to how licensees get their courses.

This item will be placed on the CEU agenda to work on a proposal to be presented to the board.

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The CEU Committee has been approving code classes according to the applicable code. The code requirement was meant to keep licensees up to date. We are current right now with the plumbing code, however the 2012 plumbing code will be out soon and the code will have to be changed. We do not have a statewide mechanical code, we have deferred to the code that relates to state buildings and that has been the IMC 2009. In January 2013 that mechanical code will be updated to the 2012 version. The CEU committee is receiving requests for courses on the updated code. The CEU Committee would like to change to stay current with the new code for code classes and stay current in the fact that as the code changes the exams change.

I like keeping current and was always bothered with what the state had and what folks were actually doing.

There are two issues how often the board chooses to update the lowa Codes. The other issue, as a board we have authority and responsibility to teach and test to the latest code available. It appears this would not take a rule change; it would just be a change in our committee policy.

Should a goal be placed to get 2012 UPC adopted by January 2013?

That would put us in a continual process. The committee would continue their process of requests for code classes such as IPC and UMC would be approved for discipline.

Testing and Exam Report

Chuck Thomas committee chair

Chuck reported a phone conference call was held with Prometric. It appears we are moving in the right direction. We asked some questions and once through that process a committee meeting will be scheduled to look at the results of our questions.

Are we actually moving forward now, as I recall it was sitting stagnant we were not getting response back?

Ken Sharp reported he is remaining optimistic that we are moving forward. Our frustration and dissatisfaction with the service we have been getting has been conveyed to the team that serves our contract. On that phone conference call we reviewed issues dating back to July. We did let them know we expected a response from them no later than Monday; we received a response from them on Friday with questions as a follow up. They seem to be very attentive. They are responding very well right now, we will have to wait to see what the following weeks bring. They have a very clear understanding that if this lack of response continues, I will be speaking with the attorney general's office about the future of their contract.

That contract expiration date is?

It is a five year contract, but we have termination clauses within that contract. The big question is what would we have to go through to get an alternative vendor. That is a lengthy process as well.

The plan is to give Prometric a couple more weeks to see if cooperation continues.

One of the critical issues was individuals trying to get scheduled for an exam, was being locked out, and then was unable to take the exam again. I believe that has been corrected. An individual on the call was able to provide an answer to issues with English as a second language.

Should it come to be that another vendor would be sought, investigation should begin now, not wait, Best case scenario would be three months to get contract established. That does not mean an exam would be in place that indicates we would start working with a contractor. Last time it was much more than three months.

Ken commented he has had conversations with a couple candidates where they were getting shut out of exams. They were not getting helpful responses from Prometric Customer Service. There is a complaint process that can be filed with Prometric and candidates need to be encouraged to use this mechanism. We do get a copy of each complaint.

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In terms of updating tests do we have a report?

Chuck commented that Prometric has gotten back to us concerning questions asked about the testing. Cindy and I will be working through those responses.

Looking at changing the questions due to the high percentage of fail rate?

The committee has talked about that and we have looked at couple different things. One issue is that individuals are running out of time and not finishing the exam. Most places have fewer questions, some as many as 50% less. We have some information to share with the committee, but have not had the opportunity.

Ken commented that our overall pass/fail rate is not that far from the national average. Significantly different was the number of questions, we have considerably more questions than others. Chuck will be sending information to committee members and a meeting will be scheduled.

Discipline Committee

Jane Hagedorn, committee chair

Jane reported this committee met yesterday. Dan is back to work part time, he joined us via conference call. We reviewed preliminary investigations and discharged to Dan for investigation. We are bringing one case forward today to be discussed in the Unlicensed Complaint Section. This committee is requesting board input on "Statewide Offset Program". This is being looked into for the possibility of satisfying debts created by hearings and penalties imposed.

Ron Masters made a motion to adopt the Statewide Offset Program. Jenny Pitts seconded Motion was unanimously approved

Meeting Dates for Next Month

ARC will be meeting after the board meeting today. The next meeting will be scheduled for February 9th at 4:00 p.m.

CEU Committee will continue to meet the Monday before the Board Meeting, February 20th. Discipline Committee will also meet on February 20th.

Testing and Exam Committee will hold off until materials reviewed by committee members, Chapter 29, if needed would be scheduled on February 20th as well.

Other Business

New Scheduled for 2012 Board Meetings has been included with each packet, please note change of location.

Unlicensed Complaint Discussion

Mr. Kunkle had been assessed a civil penalty for working three trades without a license. He did pay the fines and has applied to take the required exams.

In the meantime another complaint was received on Mr. Kunkle working without a license.

Recommendation from the committee was to hold off on any additional enforcement action to see how he does with his examinations. In the meantime a letter will be sent in regards to his unlawful practice. Jenny Pitts made motion to send a letter to Mr. Kunkle

Chuck Thomas seconded

Motion was unanimously approved

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In October a letter was sent to rescind Mr. Gary Ewerts' HVAC license. He has sent a letter of objection. The board scheduled a hearing scheduled for February 22, 2012.

Public Comment

There are three emails in your packet.

Bernie Osvald of the Iowa Chapter of Plumbing and Mechanical Officials

This board has no jurisdiction over this matter as it is in statue. Mr. Osvold will be informed to take his concerns to his representative legislator.

Randal Krager of Standard Heating and Air Conditioning Inc.

Mr. Krager spoke to the board.

Ken responded that a lot of this stems from statutory language that includes with the definition of HVAC the duct work. For the interim our hands are tied in terms of separating sheetmetal out or trying to identify some more unique competency requirements. We do not have authority to do that. Looking to the board for guidance on how to handle this concern. We have heard this concern a number of times. We have heard in the past in reference to going with the two licenses, is there something there we could get some of this legislative language changed so those type of situations would be elevated or go away?

We have no idea what is going to happen during this legislative session. Generally speaking if you look at the current administration and the current leadership in at least the House of Representatives the general message that you hear is the more the government can do to reduce the burden on economic development, job growth, job creation the more likely attention will be paid to those particular issues. If you go to the legislature and say we currently have four licenses and we are proposing to go to two reducing the burden on licensees I think that would get attention. I am not sure the industry across the board is at that same point.

If we were to present a whole package it might be more easily identified where it is going and make it a little easier to sell.

Going from four to two licenses does not address this particular issue. This is an exam issue we should focus our attention on.

Jane sees them as related if you go to two licenses then we would have an even bigger problem if we had one test. Before state licensing there were testing for just the duct work. Testing could be subcategorized into what your training actually is in. We need to deal with how the tests are set up. If the board is of the opinion that we should look at setting up one of the committees to have conversations about the way the statutory language is drafted, the way the definitions are written. Do some outreach to the various partners, as I believe they all need to come to the table to have that conversation about restructuring of what the licensing structure looks like. I don't believe it is realistic that we would get anything accomplished this session but if we are interested in having a serious discussion about that issue start now with the hopes of having some serious discussion with legislators by the end of this calendar year in anticipation of presenting to the 2013 session. That does not address the immediate issue we have with the exam process, however through the longer term there is clearly a larger issue.

Chapter 29 Committee has been addressing issues such as this. Could we start discussions with that Committee?

Ron Masters agreed that would be a good starting place.

Testing and Exam Committee will be addressing testing that are appropriate to subsets.

Ken asked to be included with these discussions given the connection to legislators.

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Jane would like to refer it to the chairs committee and Susan Salsman has agreed to step aside to allow Ken to participate.

Ken commented that should there be an opportunity for public participation for some of these issues we would reach out to Mr. Krager or some of his colleagues for some of their feedback.

Tom Snyder email on Solar Thermal Thoughts

The board reviewed the email attached to the agenda.

We have received previous communication from Mr. Snyder and wish he would attend to explain what it is he would like to happen.

Mike Macula, Local 125

How is electrical handling contractor licensing? There is already a board that covers a license for the state why not communicate with that group on how they are handling insurance and bonding. The electrical board is using lowa Interactive and they did have issues with it.

ICC is not a standard. If we did go to two licenses, the way I believe the law is written is under mechanical specific tests could be taken. In Sioux City it was simple, if you wanted to be a sheetmetal worker you took the sheetmetal test. If you chose to take another test you could do it. Couldn't there be subcategories under mechanical licensing? I agree we are spending a ton of money educating for the test and the test does not pertain to the trade.

I spoke to you folks about the green mechanical and solar mechanical books and am wondering if these are going to be adopted by the state,.

These references were reviewed by the Code Committee and it was felt those are good reference books.

CEU courses over these references could be taught, they would fall under discipline.

NFPA 99C covers med gas and are a much better code book. The committee should get a copy of it and review it.

Jerry Hintz

Glad to hear you are working with Prometric and are looking forward to issues being ironed out. To my knowledge online scheduling is not available on the Prometric website. Individuals must call in to schedule exams.

Individuals can apply to take an exam with the state by applying online on the Iowa Plumbing and Mechanical website or printing a paper application.

Jason Shanks

We have been having issues with Prometrics and it would be helpful if these could be addressed. Apprentices are required to complete exam in order to complete apprentice program. Trying to complete this requirement is frustrating for the following reasons:

Being told by Prometric that exams are a month out, then calling in about fifteen minutes and getting right in.

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Calling to schedule an exam for an apprentice and was told I had the wrong number from the state. Called the state and was told the number was correct. Recalled Prometric and asked to speak to a supervisor and exam was scheduled immediately.

Apprentice has already passed the plumbing exam shows up to take hydronics exam and the plumbing is loaded and proctor will not load for hydronics. The apprentice has to reschedule and lose money he has already paid.

Yesterday was told that Prometric has a "bulk registration"; if there are five or more a timeslot can be timeblocked to take exam. Did call the number provided by Prometric and it was disconnected.

Clearly stated documentation of issues would greatly help us solve these issues. I definitely would like to hear of challenges apprentices are facing with Prometric, so we can address. As mentioned before there is an opportunity to file a complaint with Prometric and the state receive a copy of that complaint.

Mike Macula commented that it is difficult to schedule an exam in lowa City, especially if there is an entire class that needs to complete exams.

Reconsideration of Waiver

Robert Wilczewski 2011-21 requested an audience with the board after his petition for waiver was denied. He delivered handouts to the board members providing "proof" of why the waiver should be granted.

Following a discussion the board unanimously agreed to uphold the previous decision to deny Mr. Wilczewski's petition of waiver made last month.

Brita Van Horne made a motion to uphold the previous decision to deny Mr. Wilczewski's petition of waiver made last month.

Ron Masters seconded the motion

Motion was unanimously carried.

Ken Sharp left the meeting at approximately 11:50 due to a prior commitment.

Board broke for half an hour lunch.

Other Business

New Schedule for 2012 Board Meetings

Cindy Houlson addressed the new schedule. The normal location will be here (University Hygienic Lab) for this year rather than the Department of Safety, due to a situation where we were bumped out of the room with a two day notice and it was so difficult to relocate. The alternative location will be the Wallace State Office Building in February and April.

Waiver of Administrative Rules

Jeremy Selvage 2011-32 Update

Cindy Houlson received an email from Mr. Selvage stating the dates on the phone records he thought are not correct. He has already attempted to complete an exam and did not pass so is getting signed up to retest.

The board had given Mr. Selvage the opportunity to produce phone records before ruling on his waiver.

The board examined four factors set forth by rule.

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- 1. Why would applying the rule result in an undue hardship on petitioner? Mr. Selvage has not demonstrated unique circumstances that would result in undue hardship as there were ample opportunities to complete the requirements.
- 2. Would waiving the rule prejudice or harm the rights of any other person? The petitioner has not demonstrated that waiving this rule would not harm the rights of any other person, as all licensees are subject to the same rules.
- 3. Whether or not this has been set by statue? This is a matter of law that the board does have authority.
- 4. How will the public health, safety and welfare be protected if the waiver request is granted? Requiring a licensee to demonstrate competence in their respective discipline is the means by which the board can assure protection of public health, safety and welfare.

Brita Van Horne made motion to deny Mr. Selvage's waiver Ron Masters seconded Motion carried with unanimous ayes

Jerome Halfman 2011-38

Susan Salsman chairperson for Administrative Rules Committee reported this waiver fits the general format that we have received in the past where someone had forgotten to renew his license. It was a unanimous committee recommendation to deny this waiver as there was no extenuating circumstances that would differ from previous decisions.

Mr. Halfman was not present.

The board examined four factors set forth by rule.

- 1. Why would applying the rule result in an undue hardship on petitioner? Mr. Halfman has not demonstrated unique circumstances that would result in undue hardship as there are other avenues of obtaining licensing.
- 2. Would waiving the rule prejudice or harm the rights of any other person? The petitioner has not demonstrated that waiving this rule would not harm the rights of any other person, as all licensees are subject to the same rules.
- 3. Whether or not this has been set by statue? This is a matter of law that the board does have authority.
- 4. How will the public health, safety and welfare be protected if the waiver request is granted? Requiring a licensee to demonstrate competence in their respective discipline is the means by which the board can assure protection of public health, safety and welfare.

Jim Cooper made a motion to deny Mr. Halfman's waiver.

Ron Masters seconded

Motion carried with unanimous ayes

James Linkenmeyer 2011-39

Susan Salsman chairperson for Administrative Rules Committee reported this waiver fits the general format that has been received in the past. It was a unanimous committee recommendation to deny this waiver as there was no extenuating circumstances that would differ from previous decisions. Mr. Linkenmeyer was not present.

The board examined four factors set forth by rule.

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- 1. Why would applying the rule result in an undue hardship on petitioner? Mr. Linkenmeyer has not demonstrated unique circumstances that would result in undue hardship as there are other avenues of obtaining licensing.
- 2. Would waiving the rule prejudice or harm the rights of any other person? The petitioner has not demonstrated that waiving this rule would not harm the rights of any other person, as all licensees are subject to the same rules.
- 3. Whether or not this has been set by statue? This is a matter of law that the board does have authority.
- 4. How will the public health, safety and welfare be protected if the waiver request is granted? Requiring a licensee to demonstrate competence in their respective discipline is the means by which the board can assure protection of public health, safety and welfare.

Brita Van Horne made a motion to deny Mr. Linkenmeyer's waiver.

Susan Salsman seconded

Motion carried with unanimous ayes

Mike Ruden from IIW, P.C. for Hillcrest 2011-40

John Kelley explained this petition for waiver was an appeal for a reduction in fixture counts for an addition of classrooms and a gymnasium area for high risk children at Hillcrest. This petitioner would like to apply the actual number of people versus the occupancy level of the building according to code. A floor plan was distributed to the board members as it was not provided with the waiver.

Mr. Ruden was not present, however there were others representing this waiver who spoke.

Susan Salsman chairperson for Administrative Rules Committee reported it was a unanimous committee recommendation to deny this waiver. Questionable to the committee was the capacity level. There is not a realistic way of enforcing conditions of compliance. The hardship was not well spelled out in the waiver itself.

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

- 1. Why would applying the rule result in an undue hardship on petitioner? This petition of waiver has demonstrated unique circumstances that would result in undue hardship as would be taking away from the purpose of the building.
- 2. Would waiving the rule prejudice or harm the rights of any other person? The petitioner has demonstrated that waiving this rule would not harm the rights of any other person
- 3. Whether or not this has been set by statue? This is a matter of law that the board does have authority.
- 4. How will the public health, safety and welfare be protected if the waiver request is granted? The occupancy based on all factors the right number of fixtures would be provided.

Ron Master made a motion to grant Mr. Ruden's waiver.

Jenny Pitts seconded

Motion carried with unanimous ayes

Jeff Lindell 2011-41

Susan Salsman chairperson for Administrative Rules Committee reported there is no recommendation for this waiver as there was not enough information provided. The ARC wished to know when the online application was not available. (The computer system was not available from April 27 to August 8, 2011.)

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Mr. Lindell was present and spoke to the board.

Following a lengthy discussion the board agreed to table this waiver to ascertain what Message 594413 (referred to in Mr. Lindell's waiver) actually said and what the response actually said. This communication is a "contact us" communication and not a message received while attempting to update a license as stated.

Susan Salsman made a motion to table Mr. Lindell's waiver.

Brita Van Horne seconded

Motion carried with unanimous ayes

John Van Wyngarden 2011-42

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 that would differ from previous decisions.

Mr. Van Wyngarden was not present.

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

- 1. Why would applying the rule result in an undue hardship on petitioner? Mr. Van Wyngarden has not demonstrated unique circumstances that would result in undue hardship as there other avenues of obtaining licensing.
- 2. Would waiving the rule prejudice or harm the rights of any other person? The petitioner has not demonstrated that waiving this rule would not harm the rights of any other person, as all licensees are subject to the same rules.
- 3. Whether or not this has been set by statue? This is a matter of law that the board does have authority.
- 4. How will the public health, safety and welfare be protected if the waiver request is granted? Requiring a licensee to demonstrate competence in their respective discipline is the means by which the board can assure protection of public health, safety and welfare.

Brita Van Horne made a motion to deny Mr. Van Wyngarden's waiver.

Susan Salsman seconded

Motion carried with unanimous ayes

Luke Sears 2011-43

Susan Salsman chairperson for Administrative Rules Committee reported that Mr. Sears submitted a renewal application with an invalid course number. The course number had been changed by PHCC. A letter was sent for additional CEU information with 90 days to respond. Mr. Sears did not respond within the 90 days. This committee recommended granting this waiver because they felt it was beyond his control.

Mr. Sears was not present.

The board examined four factors set forth by rule.

- 1. Why would applying the rule result in an undue hardship on petitioner? Mr. Sears has demonstrated unique circumstances that would result in undue hardship.
- 2. Would waiving the rule prejudice or harm the rights of any other person? The petitioner has demonstrated that waiving this rule would not harm the rights of any other person, as all licensees are subject to the same rules.
- 3. Whether or not this has been set by statue? This is a matter of law that the board does have authority.
- 4. How will the public health, safety and welfare be protected if the waiver request is granted?

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Requiring a licensee to demonstrate competence in their respective discipline is the means by which the board can assure protection of public health, safety and welfare.

Ron Masters made a motion to grant Mr. Sears' waiver.

Susan Salsman seconded

Motion carried with unanimous ayes

Bradley York 2011-44

Susan Salsman chairperson for Administrative Rules Committee reported this committee wished to know when the online application was not available. As a result the committee had no recommendation. Mr. York was not present.

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

- 1. Why would applying the rule result in an undue hardship on petitioner? Mr. York has not demonstrated unique circumstances that would result in undue hardship as there are other avenues of obtaining licensing.
- 2. Would waiving the rule prejudice or harm the rights of any other person? The petitioner has not demonstrated that waiving this rule would not harm the rights of any other person, as all licensees are subject to the same rules.
- 3. Whether or not this has been set by statue? This is a matter of law that the board does have authority.
- 4. How will the public health, safety and welfare be protected if the waiver request is granted? Requiring a licensee to demonstrate competence in their respective discipline is the means by which the board can assure protection of public health, safety and welfare.

Brita Van Horne made a motion to deny Mr. York waiver.

Susan Salsman seconded

Motion carried with unanimous ayes

Craig Kiene 2011-45

Susan Salsman chairperson for Administrative Rules Committee reported this committee wished to know when the online application was not available. The computer system was down during the time when Mr, Kiene would have renewed his license.

Mr. Kiene was present and spoke to the board.

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

- 1. Why would applying the rule result in an undue hardship on petitioner? Mr. Kiene has demonstrated unique circumstances that would result in undue hardship due to circumstances beyond his control.
- 2. Would waiving the rule prejudice or harm the rights of any other person? The petitioner has demonstrated that waiving this rule would not harm the rights of any other person, there are unique circumstances beyond his control.
- 3. Whether or not this has been set by statue? This is a matter of law that the board does have authority.
- 4. How will the public health, safety and welfare be protected if the waiver request is granted? Requiring a licensee to demonstrate competence in their respective discipline is the means by which the board can assure protection of public health, safety and welfare.

Jim Cooper made a motion to grant Mr. Kiene's waiver.

Susan Salsman seconded

Motion carried with unanimous ayes

James Mumm 2011-46

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

Mr. Mumm was not present.

Following board discussion the four factors set forth by rule were reviewed.

- 1. Why would applying the rule result in an undue hardship on petitioner? Mr. Mumm has not demonstrated unique circumstances that would result in undue hardship as there are other avenues of obtaining licensing.
- 2. Would waiving the rule prejudice or harm the rights of any other person? The petitioner has not demonstrated that waiving this rule would not harm the rights of any other person, as all licensees are subject to the same rules.
- 3. Whether or not this has been set by statue? This is a matter of law that the board does have authority.
- 4. How will the public health, safety and welfare be protected if the waiver request is granted? Requiring a licensee to demonstrate competence in their respective discipline is the means by which the board can assure protection of public health, safety and welfare.

Susan Salesman made a motion to deny Mr. Mumm's waiver.

Jim Cooper seconded

Motion carried with unanimous ayes

Shive-Hattery, Inc., Christopher Nelson for Broadlawns Medical Center 2011-47

Susan Salsman chairperson for Administrative Rules Committee reported the committee unanimously denied this petition for waiver.

John Kelley spoke to this petition. This petition is requesting an exception for the use of air admittance valves that are not allowed by the UPC. There was not a floor plan presented with the waiver. There was no representative from Shive-Hatter, Inc. present.

The board had more questions than answers. Following board discussion the four factors set forth by rule were examined

- 1. Why would applying the rule result in an undue hardship on petitioner? This petition has not demonstrated undue hardship as there other avenues to explore.
- 2. Would waiving the rule prejudice or harm the rights of any other person? The petition has not demonstrated that waiving this rule would not harm the rights of any other person.
- 3. Whether or not this has been set by statue? This is a matter of law that the board does have authority.
- 4. How will the public health, safety and welfare be protected if the waiver request is granted? It would not, as there are issues that could result in a larger problem with this petition.

Brita Van Horne made a motion to deny Mr. Nelson's waiver.

Chuck Thomas seconded

Motion carried with unanimous ayes

University Hygienic Lab, DMACC 2220 S. Ankeny Blvd., Ankeny IA, Iowa Lab Facility Rooms 207 & 208

At 3:15 p.m. Chuck Thomas made a motion that the Board go into closed session to discuss complaints according to lowa Code section 21.5(1) (d). In accordance with lowa Code section 21.5, portions of the meeting, when confidential materials are reviewed, are held in closed session. The board may also hold closed sessions when it discusses whether to initiate disciplinary proceedings.

Brita Van Horne seconded

Motion carried

Roll Call Vote: Blas Hernandez, Chuck Thomas, Susan Salsman, Jenny Pitts, Ron Masters, Jane Hagedorn, Brita Van Horne and Jim Cooper

Returned to Open Session at 4:22 p.m.

Chuck Thomas made a motion to close PM20100055 Brita Van Horne seconded the motion Motion carried with unanimous ayes

Chuck Thomas made a motion to open PM2012000A Brita Van Horne seconded the motion Motion carried with unanimous ayes

Chuck Thomas made a motion to close PM2012000A Brita Van Horne seconded the motion Motion carried with unanimous ayes

Jane Hagedorn, chair suggested that the out of towners order pizza for lunch at the board meetings Board members agreed.

Brita Van Horne made a motion to close this session Chuck Thomas seconded the motion Motion carried with unanimous ayes

Adjournment 4:26 p.m.

Next meeting is scheduled on February 21, 2012 at the Wallace Building (Rooms 4 East and 4 West) 502 East. 9th St., Des Moines, Iowa 50319.