

## Minutes

**Plumbing and Mechanical Systems Board Meeting**  
**July 24, 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 9:02 A.M.

### Roll Call:

#### Members Present:

Blas Hernandez  
Brita Van Horne  
Charles Thomas  
Jane Hagedorn  
Jenny Pitts  
Jim Cooper  
Ken Sharp  
Mick Gage  
Sue Pleva

#### Members Absent:

Rod Schultz  
Ron Masters

#### Other Attendees:

Cindy Houlson  
Susan Van Horn  
Matt Oetker  
September Lau  
Sheri Cord  
John Kelly  
Dan Hostetler  
John Kelly

### Minutes

Corrections to the June 19, 2012 minutes were noted as follows:

1. Page 2, 105 Rewrite, last paragraph, 1<sup>st</sup> sentence, should read “was held” instead of “will be held”

A motion was made by Chuck Thomas and seconded by Jim Cooper to approve the June 19, 2012, Plumbing and Mechanical Systems Board notes with corrections. Motion carried unanimous.

### Legislative Update: Implementation of Standings Bill

**Ken Sharp**

Ken provided an update on the progress of implementing HF2465, Renewal Waiver Extension. A letter has been developed and has been sent out to those licensees identified as being affected by either a lapsed license and/or those who had filed or been denied a waiver request. This notifies them of the possible opportunity to renew their license without examination. This extension is only good until January 1, 2013, and only applies to those licensees who have previously taken and passed a Municipal or Block Test. The letter requests they contact the Board office to have a packet mailed out to them as this option is not available online. The \$25.00 paper application fee is being waived. The licensee does, however, need to pay the applicable late fee(s).

There has been a definition change in hydronics. There is no urgency in getting the rule language at this time, but when they are rewritten the definition changes will need to be incorporated.

### 105 Rewrite: Ken Sharp

We did meet June 26, 2012, and there was quite a bit of discussion as to how to streamline or better align the licensing structure for the mechanical professions. In other words, how can we align the licensing structure more closely with the trade codes. We have four trades designated in the statutory language, but only two codes that regulate those trades. The consensus of the group was that it makes sense to align the licensing categories with the trade codes. We've come up with a very tentative diagram that begins to modify the role of the Contractor License to be more responsible to the people working under that contractor. Right now they focus mainly on bonding and insurance requirements. There was discussion as to what role does the contractor have as to responsibility for the people working under him at the Master or Journey level. This discussion centered around the Journey and mostly the mechanical trades. A comprehensive Journey was discussed and also a Specialized

Journey that would focus on specialized trades. How apprenticeships are set up in the trades and how they relate to the codes was one of the main discussions. How do we structure this to those who want to do all the work in those trades and those who do specialized work within those trades? We have more discussion and homework to do to flesh this out as far as our current specialty licenses and these possible new categories.

There was some discussion regarding the inspection process for our licensing program. There were no decisions made, just more discussion.

Our next meeting will be July 31, 2012.

## **COMMITTEE REPORTS**

### **Administrative Rules: Brita Van Horne**

Administrative Rules met last Thursday, July 19, 2012. There was one waiver request that is related to the non-code area and we will be discussing that shortly.

### **CEU Committee: Jane Hagedorn**

CEU Committee met yesterday, July 23, 2012. We continue to review applications for instructors and courses and our next meeting will be Monday, August 20, 2012, at 2:00 PM

### **Chapter 29 Committee: Chuck Thomas**

Chapter 29 Committee will be meeting today after the Board Meeting.

### **Code Committee: Mick Gage**

Code Committee met yesterday, July 23, 2012. We have two waivers that we will be discussing later in this meeting. We are working on the 2012 Code Update. Our next meeting will be Monday, August 20, 2012, at 11:00AM.

### **Discipline Committee: Jane Hagedorn**

Discipline Committee will meet after the Board Meeting today.

### **Med Gas Committee: Charles Thomas**

Med Gas Committee met yesterday, July 23, 2012. We had sent out a notice to our NITC equivalent Med Gas providers telling them that whatever NITC requires they will need to follow along with. NITC states that currently the only changes there will be is all applicants will need to be screened prior to testing, they will need the appropriate years of experience in the piping field and the renewal will no longer be a take home test, it will be a proctored test for your written renewal. These items took effect July 1, 2012.

### **Dates for Next Month's Committee Meetings: Jane Hagedorn**

Administrative Rules Committee – August 16, 2012, 2pm-4pm

CEU Committee - August 20, 2012, 2pm-3pm

Code Committee - August 20, 2012, 11am-12pm

Discipline Committee - August 20, 2012, 12pm-2pm

Med Gas Committee - No meeting scheduled – will meet if necessary

Chairs Committee - August 23, 2012, 4pm-5pm

Chapter 29 Committee will tentatively meet after the Board Meeting

Apps & Fees will not hold a meeting next month.

### **Other Business:**

#### **Ken Sharp**

Ken handed out a spreadsheet that detailed the current status of our budget. There is still 3 months to go before final closeout figures will be available for the fiscal year. Ken detailed the number of licenses that have been up for renewal and how many have renewed and how many have not renewed. License fees were set in code until the end of this calendar year. Looking at the projections for licenses and renewals, it appears the fee structure will be in about the same area as it was before the last license fee legislation was put in place. This is not an exact

representation, as there have been some changes in staffing and other expenditures that cannot be totally figured at this time. We will be drafting language for the Board to study to set the licensing fees.

### **Jane Hagedorn**

Jane Hagedorn would like the possibility of not holding IPMSB meetings in September 2012 and December, 2012. She would leave that up to staff as far as needing meetings during those months. September Lau brought up the possibility of waivers or hearings that might need to be considered.

### **Public Comments:**

#### **Mike Machula – Local 125:**

Brought up NITC changes and the fact that they have moved the changes back to September 2012. The tests to renew will now be proctored. 2012 UPC has very few changes from the 2009. UPC changes are on the website and they are unlikely to print a book of the changes between 2009 and 2012.

### **Waiver of Administrative Rules**

#### **MMS Consultants – 2012-103: John Kelly**

John summarized the discussions that had been held with Department of Inspections and Appeals (DIA) and Department of Natural Resources (DNS) and the property owner. Several options were proposed to the property owner as to options that might be available to them for have a public water supply for their customers. The option of well shaft modifications or trucking in water from a public water supply to their site were two items discussed.

**At this time this waiver request will be tabled.**

#### **Atlantic Community School District – 2012-111 (641-25): John Kelly**

This waiver involved allowing the school district to use temporary portable classrooms that do not have restroom facilities in them. The first question was to interpret the Iowa Code which uses the UPC, but with the IPC fixture count table to determine if the Code requires the restrooms to be in the building or not. The Board agrees that was the intent of the Code. It was determined that the Code does state that restrooms are necessary. With that fact established, it was decided to consider a provisional waiver that would allow use of these classrooms for periodic classes for a 2-year period.

The Board asked the following questions:

Undue hardship? – Yes, there is a geo-well field that complicates the installation of sewer piping and the connection to City sewer is quite a distance away.

Prejudice to others if a variance is granted?

Jenny Pitts stated portable classrooms with the same similarities have been allowed previously in other locations. Her daughter attended East High School and had classes such as music and art in portable classrooms that did not have restroom facilities in them.

Equal protection of public if variance is granted.

No danger to the public.

A motion was made by Brita Van Horne seconded by Jenny Pitts to approve a provisional waiver for 2 years (August 1, 2014) for these portable classrooms to be used. Voice vote was taken and motion carried unanimously.

#### **Robert Gwinn – 2012-112 (641-28.1(5)c)**

Robert Gwinn is requesting a waiver of rule 28.1(5)c due to renewal confusion on his part and a clerical error on the part of the IPMSB staff.

The Board asked the following questions:

Undue hardship?

Thermal Tek LLC is owned and operated by Robert Gwinn, the only license holder employed. We are relied upon by HAS home warranty who provides HVAC service to all major Realtors in Iowa. Thermal Tek will cease to exist after 3 years of successful company building.

Prejudice to others (if variance granted)?

No, waiving the rule would not harm any persons or entities rights

Equal protection of public if variance is granted?

The public health, safety, and welfare will be protected in the same manner they have since Robert Gwinn has been in business, 20 years.

A motion was made by Chuck Thomas seconded by Sue Pleva to approve the petition for waiver. A voice vote was taken and passed unanimously.

A break was taken at 10:17 AM. Reconvening at 10:35 AM.

### **Closed Session Discipline Review and Closed Session Deliberation**

At 10:36 AM, a motion was made by Brita Van Horne seconded by Jenny Pitts 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: Jim Cooper, Mick Gage, Blas Hernandez, Jane Hagedorn, Jenny Pitts, Sue Pleva, Ken Sharp, Chuck Thomas, and Brita Van Horne. Motion carried unanimously.

At 10:56 AM a motion was made by Chuck Thomas seconded by Mick Gage to go out of closed session. Voice vote taken. Motion carried unanimously.

At 10:57 A.M. a motion was made by Chuck Thomas seconded by Mick Gage to return to open session. Voice vote taken. Motion carried unanimously.

### **Open Session**

A motion was made by Jim Cooper seconded by Ken Sharp to approve and sign Docket number PM2011-0010. Voice vote taken. Motion carried unanimously.

A motion was made by Jim Cooper seconded by Ken Sharp to approve and sign Docket number PM2010-0010. Voice Vote taken. Motion carried unanimously.

A motion was made by Jim Cooper seconded by Ken Sharp to close case numbers PM2010-0035, PM2012-0027, and PM2010-0011. Voice vote taken. Motion carried unanimously.

A motion was made by Jim Cooper seconded by Jenny Pitts to accept the settlement agreement as drafted and authorize Jane Hagedorn to sign off on case number 2012-0017. Voice vote taken. Motion carried unanimously.

### **Adjournment**

At 11:00 A.M. a motion was made by Jenny Pitts and seconded by Brita Van Horne to adjourn the meeting. Motion carried unanimously.

The next meeting is scheduled for August 21, 2012, at the University Hygienic Laboratory, DMACC, 2220 S. Ankeny Boulevard, Rooms 207 and 208, Ankeny, IA.