

Minutes

Plumbing and Mechanical Systems Board Meeting
March 19th, 2013 – 9:00 a.m.
University Hygienic Lab, DMACC
2220 S. Ankeny Blvd.,
Iowa Lab Facility Rooms 207 & 208
Ankeny, IA

Call to order

Jane Hagedorn, Chair called the meeting to order at 8:58 a.m.

Roll Call

Members Present:

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

Members Absent:

Jenny Pitts

Other Attendees:

Cindy Houlson
Dan Hostetler
John Kelly
Matt Oetker
Susan Van Horn
September Lau
Stephanie Belieu
Ramona Copper

Minutes

A motion was made by Ron Masters and seconded by Brita Van Horne to approve the January 15th, 2013 minutes. Motion carried unanimous.

Contractor Licensing Update

Cindy Houlson

Cindy Houlson shared to-date we have received 731 applications, of those we have 592 applications that have been processed as of March 14th, 2013. The remaining 139 applications are incomplete and we have contacted them for the required missing information. The application will be processed as soon as we receive the missing information.

The bond language on some of the Bonds needed to be reviewed again and rewritten by the Surety Company. There were 29 of all the approved Contractor Licenses that were reviewed that need to be rewritten to match our language for the Bonds. Those contractors are being contacted so those changes can be made and it won't affect their license approval.

Jane Hagedorn asked if we saw the same issues as we seen at the last board meeting. Cindy stated that we are seeing less of the issues as the Bonding and Insurance Agencies are becoming more familiar with our licensing requirements. The Bonding and Insurance Agencies are reaching our needs much more successfully.

Legislative Update

Ken Sharp

Ken Sharp shared information on the Senate File 427 bill originated as a Senate study bill 1190. Once the bill passed out of committee prior to the initial funnel date it was reassigned to Senate File 427.

The bill is now eligible for debate in the Senate; the next funnel date is April 5th. So by April 5th this bill needs to come out of Senate Chambers and pass out of the House State Government Committee, in

order for it to be eligible for floor debate in the House, after April 5th. This bill had a companion bill in the House, that bill also made it out of the House State Government Committee. Senate File 427 should go thru the House pretty quick without many amendments.

Section 1 of page 1 of the bill outlines the expectations of the Plumbing and Mechanical Systems Board (PMSB) work with the Iowa Workforce Development (IWD), Iowa Division of Labor Services to create a streamlined application process that if they are applying with the PMSB that also need to be registered with the Iowa Division of Labor. This is not taking away authority from IWD. That there is no cost incurred for Iowa Division of Labor for our license. We will have in software the Contractor will apply for the Contractor Registration and their Contractor License at the same time. The contractor registration application will funnel to IWD and once they issue a number the PMSB will be able issue their Contractor License number.

This bill is not transferring authority of the Contractor Registration to the PMSB it is only application process. All the information that is for IWD requirements those will be channeled to that department for their approval and once Contractor Registration issues their number. Then we will be able to move forward with our Contractor License Application.

Mick Gage asked if we will collect the fees for both applications and then we will pay them back for their fees.

Ken Sharp stated that is correct. What we will be doing is there is no cost incurred by IWD, and they will be able to maintain their current fees and we will pay them. Example: if we have a \$150 fee for our 3year license and they have a \$50 per year fee for their registration. We will charge the Contractor \$300 and \$150 will go towards the Contractor Registration IWD. The remaining \$150 would go toward our purposes and a portion of that will be a part of the software fee.

Jane Hagedorn asked do you know which department is going to handle the bonding or insurance yearly checking of the updated issuance dates, with the Contractor Registration coming in on a yearly basis, they will know more on that part if the bonding and insurance is current.

Ken Sharp stated we haven't gotten that far into the discussion at this time. Those level of details is what we have explained to the industry that we don't have the answer to that and that is why we need to take some time to get the rules in place to provide the clarification of which agency will have the responsibility in respect to those items.

Jane Hagedorn stated that does need to be the case for our licensing that it is kept up and current every year that the insurance and bonding are renewed.

Ken Sharp stated they have similar requirements but for different purposes. So trying to figure out how we manage that over a 3 year licensing period is going to be a big part of the discussion that we are going to be working on for the next four years.

Another couple of changes are:

Under the definition of apprentice they added they apprentice must work under the direct supervision of either a master or a journeyperson, which they have to be on the same job site.

All licenses that are set to expire January 1st, 2014 thru June 30th, 2014 will be given a onetime extension at no additional cost or CEU requirements. The intent is that the industry is looking for a single date renewal for all licensees that will start July 1st, 2014 thru June 30th, 2017. Any licensee that expires July 1st, 2014 or thereafter will be issued a renewal with an expiration date of June 30th, 2017. For every 6 months there will be a proration of the amount owed for that licensee during the July 1st, 2014 thru June 30th, 2017 renewal period. So by July 1st, 2017 everyone will be on the same renewal cycle every three years.

We will have to be working on how we will manage the renewal cycle every three years and deal with 12,000 people renewing in a three to six month time frame. We have been talking with the

electrical board and their staff about how they handle their renewal period. The Electrical Board adds about four to five full time FTE's for a period of three to six months during their renewal period.

One of the initial perceptions going to a three year same date renewal period was that it would cut down on office staff. Outside of that we don't see a cost savings to the board because we wouldn't be dealing with renewals throughout the year. Ken Sharp had Cindy Houlson look at what our work load is and renewals are just a small percentage of our daily activities. We likely won't have a reduction in the staffing throughout the year we will just higher FTE's when our work load increases for a very short period of time during the 3 year renewal cycle then return back to the regular staff we currently have.

The board has some concern with Hydronics going under the Mechanical License, when plumbers install boilers as well. Now plumbers will have to purchase the Mechanical License as well as the Plumbing License. While on the Mechanical end they will only have to purchase one license. They were wondering if it could be a standalone or a sublicense for both Plumbing and Mechanical. Ken Sharp stated that nothing can be done at the board or department level, that the trade organization will have sort that matter out at this point.

Page 4 line 2: The board has some concern about going to a standardize test with the testing vendor because the Board won't be creating their own test. That the testing vendor also doesn't have a Hydronics standardize test. So they believe that it should be taken out of law and kept into rule so they can still create the test.

Page 3 line 23: The board has some concern about what happens to the amendments of the code at the board level that they created. In the current State of Iowa Plumbing Code there is at least one if not more sections that are less restrictive than the national code and the way this paragraph locks us in to something more restrictive.

Executive Order 80 Update

Sue Pleva, Committee Chair

Sue Pleva reported that the shareholders group would like to see more continuing education classes with online study courses or home study courses to lessen the burden to the contractors in remote rural areas; they discussed 75% online or home study and 25% classroom. Recommend license renewal to renew at the same time for all license holders to reduce confusion. The group discussed vendor training to be on the specific discipline rather than the product line. They would like to see state inspectors that are certified in their discipline. The group discussed the modification of the current on-line database system to follow the model of the Electrical Safety Board format for electricians, which would include modifications of the current on-line database so the continuing education and license status can be checked. The group discussed the modification of the current apprenticeship requirements to allow 2nd through 4th year apprentices to tasks on a jobsite without supervision in areas they have studied, to allow for greater productivity on the job. They would also like to see enforcement of rules and regulations regarding complying with state law. They would like to see the complaints handled in a timelier manner.

Committee Reports and Recommendations for Actions:

Administrative Rules Committee Master of Record Review Brita Van Horne, Committee Chair

Brita Van Horne shared that the committee reviewed the applications with the concerns of a Master of Required (MOR) that is has ownership of multiple companies. They determined that the MOR can be on more than one Contractor License if they can prove ownership of each company they are applying for. The committee felt this eliminated the concern that the MOR may be selling their Master License to multiple contractors.

CEU Committee

Jane Hagedorn, Committee Chair

Jane Hagedorn stated the CEU Committee is continue to meet on a weekly basis for the approval of instructors and courses in a timely manner. Lisa Kenworthy in the Board office is starting to look at the instructors and courses on ones that can be approved and if they need more information.

Chapter 29 Committee

Ron Masters, Committee Chair

Ron Masters shared that manufacture/installing company, McCormick Taylor, which primarily installs ice cream /drink type machine that are mainly in restaurants. The committee had asked them follow up questions: who did the work, where the work was preformed, how it was done, etc. Information received included pictures of: a valve, water valves, short hookups into the machine, plugged into a wall; they are on wheels, looks like they were being worked on in a shop situation rather than an office. The question remains whether their employees need to be fully licensed in order to do the serves and/or installation of those specific types of units. Cindy Houlson is going to set up a teleconference with the Chapter 29 Committee and the company that had the question on what they need to do.

Code Committee

Mick Gage, Committee Chair

Preclearance and Notice of Intent IAC Chapter 25 State Plumbing Code

Mick Gage shared that the code committee has continued to look at the 2012 UPC Code. They want to continue to move forward with noticing the rule. The committee discussed taking out the language of testing, inspections, permitting, and similar information that the board does not have the authority to enforce. Local jurisdictions have authority for enforcing these types of issues. The committee removed a few amendments that were in the last version new because the UPC now includes those items. The plan is to insert the fixture count table out of the IPC. The committee wants to move towards a notice of intent with the pending the provisions of the ICC. We also need to add the word "Required" before family to the page 2 c Subsection section 422.1.1 Family or assisted use toilets.

September Lau will correct the changes for the intended action before submitting them and the permission letter from ICC to include their table and other references will need to be received prior to publishing.

A motion was made by Brita Van Horne seconded by Blas Hernandez to move the rules for intended actions. Motion carried unanimously.

Discipline Committee

Jane Hagedorn, Committee Chair

Update Felony/Misdemeanor Guidelines

Jane Hagedorn shared that the committee is continuing to meet. Later in the meeting unlicensed complaints will be discussed. The board will be going to closed session this afternoon, and there will be two discipline hearings on March 20th, 2013. There is a guideline sheet for screening questions that the Disciplinary Committee worked on for the licensees' and contractors' licenses. It has been expanded. The board will need to approve it so the office can finalize a formal document. The Felony/Misdemeanor Guidelines were reviewed and board approved it without changes.

Testing and Exam Committee

Chuck Thomas, Committee Chair

Chuck Thomas stated that the Committee has not met. They were hesitant to go forward with doing anything with testing and exam when the new piece of legislation would change everything. They will move forward at a later date.

Future Meeting Dates

Discussion was held with the Board concerning the dates subcommittees plan to meet in April and May. The following was decided:

April TBD	TBD	Chapter 29 (teleconference, Cindy to schedule conference room).
April 11 th	2 PM	ARC (only if needed)
April 15 th	11 AM	Code Committee (only if needed)
April 15 th	12 PM	Discipline Committee
April 15 th	2 PM	CEU Committee
April 15 th	3 PM	Chairs (only if needed)
April 15 th	4 PM	Testing and Exam Committee (only if needed)
May 16 th	2 PM	ARC (only if needed)
May 16 th	3 PM	Chapter 29 Committee (only if needed)
May 20 th	11 AM	Code Committee (only if needed)
May 20 th	12 PM	Discipline Committee
May 20 th	2 PM	CEU Committee
May 20 th	3 PM	Chairs
May 20 th	4 PM	Testing and Exam Committee (only if needed)

Other Business

Recognition of Board Members that will be leaving the board at the end of their term on April 30th, 2013: Jane Hagedorn, Chuck Thomas and Brita Van Horne. Jane Hagedorn mentioned that there will be 3 positions open for May 2013 Election of Officers Chair, Vice Chair, and Secretary. Ken Sharp presented Jane Hagedorn, Chuck Thomas, and Brita Van Horne with the plaques from the Department and the Board thanking the members for the 6 years they have been so involved with the growth of the Iowa Plumbing and Mechanical Systems Board.

Unlicensed Complaint Discussion

Case numbers 20120021 and 20120022, Mike and Jon Willford - The complaint was the company was advertising that was circulating in Iowa for them, when they are not licensed in the State of Iowa. The Committee recommended closing with no action because they don't appear to be responsible for the distribution of the advertisement. They talked to advertising company and made them aware of the error. There will be a letter sent out that they need to be licensed in Iowa in order to work here and explaining the advertisement violation in the letter as well.

A motion was made by Mick Gage and seconded by Ron Masters to close case numbers 20120021 and 20120022 with a letter explaining that they need to be licensed to work in Iowa and the advertising violation. Motion carried unanimously.

Case number 20120077 Palen Kimball – The complaint was allegedly unlicensed Palen Kimball LLC employees that performed trade related work at the Donaldson Company in Cresco. The vehicles they were driving advertised refrigeration and HVAC services. Company hired 2 licensed union members to do the work. The committee's recommendation was to close and that we didn't recommend a letter because there was a letter that previously went out.

A motion was made by Brita Van Horne and seconded by Ken Sharp to close case number 20120077. Motion carried unanimously.

Public Comment

Jerry Hintz, Local Union 263, asked for a copy of the breakdown of the 2011 compliance review conducted on 5% of the 2011 renewal applications. He also was wondering if the licensed Contractors were going to be on licensediniowa.gov, so they can look up online and see if the Contractor is licensed.

Jerry also said that he hates to see the three of the Board Members that are leaving go because they have done such a great job since day one and know the direction the Board is going in. He stated that he is going to keep going to the Board meetings and do what he can do. He thanked them for their service.

Jason Shanks, Local 33, would like to talk about the Prometic issues. He had an apprentice signed up to take a plumbing test at 4:00 and a Hydronics test at 7:00. He had his confirmation letters in hand for the test. He went to Prometric test site and they said he wasn't in their system. There were two people working and he called me and I told him to ask to speak to a manager. They wouldn't let him take the 4:00 test and told him that he would have to reschedule. They also wouldn't let him take his second test till 5:30 and the place was completely empty. Also, Prometic closes due to weather. Closed when we got the slush last week had 8 guys that wanted to test. Double testing for tests they already had taken and passed. Guys sit down to take a plumbing test and a Hydronics test pops up and they won't change it. Need to resolve issue these issues.

Greg Plogher, Iowa Alliance, - was wondering if the Consumer Protections thru the Attorney General's Office could look into as a group rather than an individual to make complaint as a whole. Prometric is treating Iowa consumers unfairly by not honoring a contract.

Mike Minnic - Wants to know how to contact licensed contractors with either numbers or address, that is from out of town and there. The contractor comes in to pull a permit and he has no way of contacting that person.

Bill Switzer - wants to thank the members that are leaving and appreciation to the Board. He knows they don't always agree but that's the way it should be. He wants whoever that is making the decisions to realize how big of a mistake they made.

Meeting break: 11:09 a.m.

Reconvened: 12:36 p.m.

Closed Session Discipline Review and Closed Session Deliberation

At 12:36 p.m. a motion was made by Jim Cooper seconded by Rod Schultz to 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 may also hold closed sessions when it discusses whether to initiate disciplinary proceeding. A roll call vote was taken. Blas Hernandez, Chuck Thomas, Brita Van Horne, Jane Hagedorn, Jim Cooper, Ken Sharp, Mick Gage, Rod Schultz, Sue Pleva present and Ron Masters was absent from Roll Call but arrived at approximately 12:45 p.m.

At 1:41 p.m. a motion was made by Ken Sharp and seconded by Chuck Thomas to go out of closed session. Motion carried unanimously.

Open Session

A motion was made Brita Van Horne and seconded by Jim Cooper to close classes PM20120082, PM20100016, PM20120028, and PM20120039. Motion carried unanimously.

A motion was made by Brita Van Horne and seconded by Ken Sharp to file a statement of charges on case number PM20120073. Motion carried unanimously.

A motion was made by Brita Van Horne and seconded by Ken Sharp to issue a notice of intent to impose civil penalty with amendments for case number PM20120078a. Motion carried unanimously.

A motion was made by Brita Van Horne and seconded by Ken Sharp to issue a notice of intent to impose civil penalty for \$250.00 for practicing in Refrigeration without a license in case number PM20120078b. Motion carried unanimously.

A motion was made by Brita Van Horne and seconded by Ken Sharp to close case number PM20120078c. Motion carried unanimously.

A motion was made by Brita Van Horne and seconded by Jim Cooper to approve the settlement in case number PM20120049. Motion carried unanimously

A motion was made by Brita Van Horne and seconded by Jim Cooper to approve the settlement in case number PM201220020. Motion carried unanimously.

Adjournment

At 1:50 p.m., a motion was made by Chuck Thomas and seconded by Ken to adjourn the meeting. Motion carried unanimously.

The next meeting is scheduled for May 21st, 2013, University Hygienic Laboratory, DMACC, 2220 S. Ankeny Blvd., Ankeny, IA, Iowa lab Facility Rooms 207 & 208.

DRAFT