IN THE MATTER OF WILBUR FENSTERMACHER,	) Nos. PM20120078A
WILDOR PENSIERMACHER,	)
Respondent.	) ORDER IMPOSING ) CIVIL PENALTY

Iowa Code section 105.10 requires all persons who perform plumbing and mechanical services in the State of Iowa to possess a license issued by the Iowa Plumbing and Mechanical Systems Board (Board). Under 641 Iowa Administrative Code 32.5(1)(a), which implements chapter 105, the following is an unlawful practice: "Acts or practices by unlicensed persons which require licensure to install or repair plumbing, HVAC, refrigeration, or hydronic systems." Under Iowa Code section 105.29, announcing to the public in any way (the use of any sign, card, circular, device, vehicle, or advertisement) the intention to provide any service for which a license is required is prima facie evidence of engaging in the practice of a plumbing or mechanical professional.

Pursuant to Iowa Code section 105.27, the Board has authority to issue an order imposing a civil penalty up to \$5000 for practices made unlawful by chapter 105.

Wilbur Fenstermacher (Respondent) has never been issued a plumbing license by the Board. Since state licensing went into effect, Respondent has provided plumbing services which require licensure to perform, and has advertised those services. Respondent obtained a refrigeration license in 2012, and performed refrigeration work prior to his licensure, in 2011.

On March 19, 2013, the Board found probable cause to issue upon Respondent a Notice of Intent to Impose Civil Penalty (Notice), in the amount of \$500, for engaging in the practice of plumbing and refrigeration services without a Board-issued license.

Pursuant to Iowa Code section 105.27(1) and 641 IAC 32.5(5), Respondent had the option of requesting a hearing on this matter within thirty (30) days of receipt of Notice. On or about April 29, 2013, Respondent submitted a signed document waiving his right to hearing; Respondent also submitted payment in the amount of \$500.

## **ORDER**

IT IS THEREFORE ORDERED that Respondent pay the \$500 civil penalty, as he has waived the right to hearing and agreed to pay the \$500 civil penalty.

IT IS FURTHER ORDERED that Respondent cease practice in the trades for which licensure is required under chapter 105 unless/until he obtains such licensure.

Chair, Plumbing and Mechanical Systems Board

Dated: 5-21-2013

Copies to:

September Lau Assistant Attorney General Iowa Attorney General's Office 2<sup>nd</sup> Floor Hoover Bldg. Des Moines, IA 50319

Wilbur Fenstermacher

A person aggrieved by the issuance of this Order may seek judicial review within thirty (30) days of the issuance of this Order, in accordance with section 17A.19. Iowa Code § 105.27(2).