

**Plumbing and Mechanical Systems Board Meeting  
Tuesday, February 15, 2011**

Iowa Department of Public Safety Building, Conference Room 125  
215 East 7<sup>th</sup> Street, Des Moines, IA 50319.

**Board Members Present:** Thomas Day, Mick Gage, Jane Hagedorn, Ron Master, Dennis Molden, Susan Salsman, Ken Sharp, Chuck Thomas, Brita Van Horne

**Board Member Absent:** Stuart Crine

**Staff Members Present:** Ramona Cooper, Dan Hostetler, Cindy Houlson, John Kelly, September Lau, Matt Oetker, Carmily Stone, Mary Swinehart and Susan Van Horn.

Chair Jane Hagedorn called the meeting to order.

**Minutes dated January 25, 2011**

Ron Masters made a motion to approve the minutes.

Mick Gage seconded

No further discussion was held

Vote: All ayes

**Introductions:**

Ramona Cooper joined the Plumbing & Mechanical staff as new CEU Clerk. She is getting up to speed on the CEU Program and will also help with renewals as they increase in volume.

Carmily Stone, Bureau Chief of Environmental Bureau will oversee the Plumbing & Mechanical staff.

**Clarification on Qualifications needed to sit for Master Exam: Brenden Brouillette letter**

Mr. Brouillette asked the board to reconsider their decision to deny him the opportunity to take the exam based on not meeting the requirement of completing two years of journeyman work experience.

Matt pointed out that Chapter 29 clearly states:

An applicant for a Master license must provide the board with evidence that the applicant:

- (1) Has previously been licensed as a master in the applicable discipline; or
- (2) Has previously been licensed as a journeyman in the applicable discipline and has at least two years of journeyman experience in the applicable discipline.

Ken commented that he felt that it was not clear, that it could be reworded to make it clearer.

Following an extensive discussion the board decided that Cindy would contact Mr. Brouillette letting him know that for consideration from the board a formal waiver request would be required.

**Waiver from Administrative Rules – Victor Diaz**

Mr. Diaz was not present at the meeting.

Following an extensive discussions the board decided that Mr. Diaz would be granted six months from the date the final ruling is filed to take the exam.

The waiver from last month's meeting for Mr. Sasstamoinen will be amended to allow the same amount of time as this waiver six months from the date the final ruling.

*Matt quoted 31.4 “ the board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:*

- 1. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;  
If Mr. Diaz’ waiver request is not granted, he would be unable to obtain a master level license even if he successfully passes the master level examination. The Board finds Mr. Diaz has demonstrated sufficient undue hardship.*
- 2. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;  
Because the circumstances which support granting this waiver request are individualized in nature, the board’s decision to grant the waiver in this case will not prejudice the substantial legal rights of any other person.*
- 3. The provisions of the rule subject to the petition for a waiver are not specifically mandated by statute or another provision of law; and  
Pursuant to this discretion, the Board promulgated rules and standards for licensure. The rule from which Mr. Diaz seeks a waiver is not specifically mandated by statute or any other provision of law and may be waived by the Board.*
- 4. Substantially equal protection of public health, safety and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.*

Mr. Diaz’ has demonstrated the required prerequisites under 2010 Iowa Acts, Chapter 1193, section 100 to sit for a master level examination in the refrigeration and HVAC disciplines. Allowing Mr. Diaz’ the opportunity to sit for a master level examination in these disciplines will provide a means by which Mr. Diaz can demonstrate the necessary knowledge in the subject matter to ensure the protection of the public health, safety and welfare. This waiver simply extends the period in which Mr. Diaz will be allowed to demonstrate such knowledge.

### **Legislative Report – Ken Sharp**

Last week there was a subcommittee hearing on Senate File 27 the bill that proposed establishment of a solar thermal license that is equivalent to the four main trades. That was a very short subcommittee meeting. It was determined that there is not enough information to move forward with this bill this year. I did share some comments regarding the similarities between the solar thermal proposal and the geothermal licensing issues we had. Also looking for clarification as to whether or not any existing DOL approved apprenticeship programs existed other than national certification trainings. I pointed out if it were appropriate, that this license may be something eligible for existing specialty restricted license and the board already has the authority to do that and would not need special legislation. This bill is not going anywhere this year. That is something we will need to keep an eye on in the future.

Yesterday there was a subcommittee hearing on House File 45, the repeal bill that would eliminate the existence of this board. That was a rough subcommittee hearing in terms of some of the emotions and some of the information that was shared. We will most likely will not see a repeal but there are likely some discussions around modifications that can be made to 105. A few ideas have been discussed as possible modifications. There is some language being discussed that would force the board to do an annual review of a two to three year licensing period depending upon what the licensing structure is. Based upon the revenues and expenses for that licensing cycle the board then every year has to make adjustments to its fees to stay within 10% of its operating costs. Another discussion was the notion to extend the licensing cycle from a two year to a three year period. Some of the arguments for that are that it would then coincide with the code updates. If everyone had a license issued when the new code comes out that would be a different argument. The other consideration is looking at the contractor licensing fees. There are some concerns with the current licensing costs. There was some discussion about whether or not we can tag on to some of the existing contractor registrations requirements through Workforce Development. I don’t know how far that is going to go but again bottom line the

issue is the cost of the contractor license. All of the issues are around the theme of reducing the cost of licensing. A few other things I am hearing, provide some language clarification around the trade definitions. There are some concerns that trades overlap and that may cause some duplication of requirements in terms of licensing. If we can clarify those definitions that may help relieve some of the need for dual licensing situations we have. We will continue to monitor legislation very closely.

*Denny: sill haven't heard anything on inspections right?*

Ken: We have not heard anything on inspections.

### **Committee Reports and Recommendations for Actions:**

Jane requested reports from committees that have met during the last month.

Administrative Rules Committee Susan Salsman, committee chair, reported this committee met on the 31<sup>st</sup> with another scheduled for February. We are making some progress with the practice chapter.

CEU Committee Jane Hagedorn, committee chair, reported this committee continues review of both courses and instructors. The load doesn't seem to lesson any.

As of March of this year we will discontinue the post approval process. Applications for courses must be in at least sixty days before holding the first course.

Ken: There has been some internal discussions regarding the timing of filing Chapter 30 changes with the Administrative Rules Review Committee (ARRC). In a conversation I had with a few members of the board yesterday there is some confusion about the relationship of the Administrative Rules Review Committee made up of legislators and the legislative process. We have not yet filed Chapter 30 changes with the ARRC predominately because of some of the changes proposed in House File 42 and the discussion around the possibility of changing the licensing structure from a two year to a three year period. We think at this point if we go ahead with changes to any of our rules, those changes will have to go before the ARRC. Whether that is today, or next month, irrespective of when we move those rules forward they have to go before the ARRC. That committee is made up of 15 legislators from the house and senate. Given the tone of the meeting this week and clear intent to change Chapter 105, it will be best to wait until later in the legislative session to advance this chapter.

Following a lengthy discussion the majority of the board members agreed that we will hold off moving forward with rules at this time. Ken will reevaluate this decision and present update at next month's meeting.

Chapter 29 Committee: Ron Masters, committee chair, reported on the committee meeting held yesterday. There was some old business discussed and some new business taken care of.

- Item 1. Amend subrule 29.2(4)(g) as follows:  
**29.2(4)(g)** Provide the board with evidence that the applicant holds an active master license or employs at least one person who holds an active master license issued under Iowa Code chapter 105 for each discipline in which the applicant performs chapter 105 covered work.
- Item 2. Amend 641—Chapter 29 by adopting a new subrule as follows:  
**29.6(4)** Expiration of Passing Examination. An applicant who successfully passes an examination must apply for licensure in the applicable discipline at the applicable discipline level within two years of notification that the applicant successfully passed the examination. A passing examination score shall expire if the applicant fails to apply for licensure within the two year period as set forth herein and the applicant shall be required to successfully retake said examination to become licensed in the applicable discipline at the applicable discipline level.

There was a discussion started at last month's meeting about "equivalent education or similar training approved by the board." Cindy compiled information on the different programs and colleges for review of the committee.

- **29.2(7) Service technician HVAC specialty license.** An applicant for a service technician HVAC specialty license shall:
  - a. File an application and pay application fees in accordance with rule 641—29.5(105).
  - b. Provide the board with evidence that:
    - (1) The applicant possesses a valid certification from North American Technician Excellence, Inc. or an equivalent authority approved by the board, or
    - (2) The applicant completed a Service Technician Associate degree or equivalent educational or similar training approved by the board.

The Committee looked at and approved all except Black Hills Energy as "equivalents. Black Hills will be invited to the next committee meeting.

AAS Industrial Maintenance & HVAC Technology Program at Kirkwood Community  
 AAS Climate Control Technology at North Iowa Area Community College  
 AAS Heating, AC, Refrigeration Technology at DMACC  
 AAS Heating AC, Refrigeration Technology at Hawkeye Community College,  
 Industrial Maintenance Diploma at Indiana Hills Community College  
 AS degree & diploma at Scott Community College  
 RSES  
 Appliance Technical Training at Black Hills Energy

Brita Van Horne made a motion to accept the following programs as equivalents in **29.2(7) Service technician HVAC specialty license** AAS Industrial Maintenance & HVAC Technology Program at Kirkwood Community; AAS Climate Control Technology at North Iowa Area Community College; AAS Heating, AC, Refrigeration Technology at DMACC; AAS Heating AC, Refrigeration Technology at Hawkeye Community College; Industrial Maintenance Diploma at Indiana Hills Community College; AS degree & diploma at Scott Community College and RSES.

Susan Salsman seconded the motion

No further discussion was held

Vote: All ayes

- Item 3. Amend subrule 29.6(3)(1) as follows:  
**29.6(3)(1)** A journeyperson examination applicant may apply to sit for the examination up to ~~60 days~~ 6 months prior to completion of the 48 months required apprentice credit, which shall include the granting of advanced standing or credit for previously acquired experience, training, or skills.

This committee had a lengthy discussion and decided to bring this forward to the board for input. This committee recommends that a journeyperson examination applicant may apply to sit for the examination up to 60 days prior to completion of the 48 months of required apprentice credit, which shall include the granting of advanced standing or credit for previously acquired experience, training, or skills.

Some time ago this was discussed at a board meeting resulting in a 4-1 decision that the 60 days be changed to 6 months. The Board members were in agreement with that decision.

Discipline Committee Jane Hagedorn, committee chair reported that this committee continues to meet.

The new process to help Dan speed up the process instead of bringing to the committee to give direction, Dan will be sending committee member as many as possible of the complaints for 2009 as well as current complaints. The committee will provide Dan direction in which way to investigate.

There was a discussion about what day to hold hearings. There was agreement that hearings will be scheduled the Wednesday following the board meetings, starting with May.

Tom Day commented that this committee is finding it cumbersome for Dan to have to send all this information to each member. Streamlining this system as soon as possible is desired.

Ken: We are aware of this situation. We have had some dramatic technical changes within our Information Technical Bureau especially concerning confidential information. We are on track to move forward with having a secure portal access that would allow Discipline Committee Members to access information without having to get that information to you. We are probably months away from that but we are moving in that direction.

*Jane: Is that why the CEU committee members laptops are not?*

Ken: That is all part of the security consolidation update. This is a process of getting everyone on the same page as far as laptops, software that is required, plus any security protections in place.

*Brita: Is there another time that Discipline Information can be delivered for those that are working during the day?*

Ken: We have to do certified due to the confidentiality. I don't know if there are other mechanisms that could be used but we do need to have that security trail.

Medical Gas Committee: Chuck reported this Committee met on January 20<sup>th</sup>. MGM, one of our med gas providers is now Airgas. Matt has been reviewed the received information.

A letter will be sent to Airgas requesting a completed application, to assure the same services are provided.

Matt reported he is satisfied with the document that shows the name change. On website in rules referral will contain both names such as formerly MGM, now Airgas. To allow individuals who have been certified by MGM to be recognized.

The software will be modified so licensees can sign up under either name. Will check that the numbering system is compatible with the software.

## **Other Business**

Contractor Licensing – Ken Sharp

Prior to seeing some of things that came out at yesterday's subcommittee meeting I wanted to have some discussions around contractor licensing. I think some of the things we are hearing from the legislature will require some compromises. I think any future discussion on contractor licensing should be put on hold until we have better guidance from the legislature. The big issue is around cost. We continue to work with Iowa Interactive and I have advised staff at this point, there are no rule changes, to keep moving forward and if we have to deal with a rule change we will put the breaks on again.

## **Public Comments**

**Scott Carpenter email:** Chuck Thomas read email that was sent to Cindy Houlson.

Wilbur Johnson: I hold licensing at all major cities in Iowa. I've been on the Administrative Rules Committee from 1973 to 1983. I've been doing mechanical work in Des Moines. About ninety percent of the mechanical rooms for the last forty years. I am not amerus about the licensing of the employees. Have always been for contractor licensing. Success of our business will control what type of employees are put on the job. This is the first time I have come to one of your meetings. When we were putting boiler law in place we had professionals from all over the United States in development and the best people that you could get. Before we started implementing anything we had it passed by legislation. The way I heard Mr. Sharp is this has not been passed by the Administrative Rules Committee. This licensing for the boys.

Ken: Licensing has been in place for three years.

Wilbur Johnson: What I am saying is a lot of things gone over today is splitting hairs as far as I am concerned. You talked about a guy getting his license and how much time it is going to take. Maybe that's important and maybe just takes up a lot of time.

11:04 Break

### **Closed Session Discipline Review**

Chuck Thomas made a motion that the Board go into closed session for the purpose of reviewing and discussing records required or authorized by state or federal law to be kept confidential and discussing whether to initiate licensee disciplinary proceedings, pursuant to Iowa Code section 21.5(1)(a) and 21.5(1)(d)."

Brita Van Horne seconded motion

Roll call vote all ayes: Susan Salesman, Thomas Day, Mick Gage, Jane Hagedorn,  
Dennis Molden, Ken Sharp, Chuck Thomas and Brita Van Horne

Motion: Carried at 12:09 p.m.

Returned to Open Session at 1:45 p.m.

Ron Masters made a motion to close Case Number PM20100061

Second: Mick Gage

No further discussion was held

Vote: All ayes

Motion: Carried

**Next Meeting:** March 15, 2011.

**Adjournment**