Board Minutes
Iowa Plumbing and Mechanical Systems Board Meeting
January 22nd, 2014 – 9:00 a.m.
University Hygienic Lab, DMACC
Iowa Lab Facility Rooms 207 & 208
Ankeny, IA 50023

Call to Order

Vice Chair, Mick Gage called meeting to order at 9:01 am

Roll Call

Members Present:	**Members Absent:**	**Other Attendees:**
Blas Hernandez	Rodney Schultz	September Lau
Mick Gage	Ronald Masters	Cindy Houlson
Robert Kunkel		Dan Hostetler
Jim Cooper		Matt Oetker
Sue Pleva		Stephanie Belieu
Ken Sharp		Susan Van Horn
		Carmily Stone
		Kane Young
		John Kelly

Minutes

A motion was made by Mick Gage to approve the November 19th, 2013 Minutes, seconded by Robert Kunkel. Motion carried.

2014 Legislative Session **Ken Sharp**

No report at this time. There were no actions to date. There was a brief conversation about the intent to remove Sheet Metal Master from Iowa Code. This is not an action that will be carried out by the Department, it is the Departments understanding that it will be an amendment by the industry and will be attached to the Department's omnibus bill.

Licensing Software Enhancements **Carmily Stone**

There was an update about the software that incorporates SF 427. The PMSB office, Iowa Interactive, and Department of Administrative Services - ITE have been working together to meet the new licensing requirements and working on meeting the July 1st, 2014 deadline. We may be asking the Board for input with a short turnaround time on answers. Any updates that we have for licensees will be posted on the PMSB website and sent out via the listserv, so licensees can know what to expect from us.

Session Delay of Administrative Rules **September Lau**

There has been a session delay on Chapter 29 item 12 by the Administrative Rules Review Committee (ARRC). Session Delay means that the ARRC can slow down or hold up the rule making process that they have questions or concerns about. This particular rule would have deleted the current language in 29.4(3), "an applicant shall have no record of felony conviction relating to the profession as determined by the board." As a result, the rule will not have an effective date until the end of session. If no change is put forth, then it goes into effect as written at the end of session.

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Committee Reports and Recommendations for Actions

Administrative Rules Committee **Sue Pleva, acting chair**

Update on Update ARRC meeting January 10th, 2014:

IAC 641 – Chapter 23 Plumbing and Mechanical Systems Board – Licensee Practice

IAC 641 – Chapter 27 Plumbing and Mechanical Systems Board – Administrative and Regulatory Authority

IAC 641 – Chapter 29 Plumbing and Mechanical Systems Board – Application, Licensure, and Examination

IAC 641 – Chapter 30 Plumbing and Mechanical Systems Board – Continuing Education

IAC 641 – Chapter 32 Plumbing and Mechanical Systems Board – Licensee Discipline

IAC 641 – Chapter 33 Plumbing and Mechanical Systems Board – Contested Cases

IAC 641 – Chapter 35 Plumbing and Mechanical Systems Board – Licensure of Nonresident Applicant – Reciprocity

On January 10th, 2014 the ARRC committee reviewed the package of rules that our Board and the State Board of Health that was Adopted and Filed on November 19th, 2013, which included the above chapters. All of the rules were supported except for session delayed 29.4(3) which read "An applicant shall have no record of felony conviction relating to the profession as determined by the board". The ARRC voted to session delay this item only and the rest of Chapter 29 will continue to go through the rule making process. The department was requested to provide addition al information outlining our screening question review process and in addition, to provide documentation on why the board determined to strike the Noticed rule that identified the 70% passing score on discipline tests. All but two of the rules became effective on January 15th, 2014. Chapter 23 and Chapter 29 are the two rules that have an extended effective date of May 1st, 2014, due to the need for legislative correction to the Sheet Metal Master and Contractor options that were inadvertently added to SF427.

Notice of Intended Action:

IAC 641 – Chapter 61 State Mechanical Code

The rules in Chapter 61 describe the minimum standards for mechanical materials and mechanical methods in buildings and on premises in Iowa. These proposed rules include the adoption by reference of the International Mechanical Code, 2012 Edition. The rules also delete all references to permitting and inspecting which the board has no authority for implementing. Initial interpretive authority over the mechanical code is retained by state or local jurisdictions that perform inspections. The ultimate appeal for any interpretation remains with the PMSB by filing a Petition for Declaratory Order or a Petition for Waiver.

A modification has also been made to delete the phrase "International Fuel Gas Code" and replace it with the 2012 National Fuel Gas Code-NFPA 54 which is adopted by the Department of Public Safety. Another modification has been made to delete all references to the "International Plumbing Code" and insert with the state plumbing code. As well as inserting Hospitals and health care facilities requirements. In addition all reference to the IC Electrical Code and National Electrical Code has been eliminated.

There will be a Public Hearing on March 11th, 2014.

A motion was made by Ken Sharp with the amendment to 61.2(2) adding the reference of the "2012 National Fuel Gas Code – NFPA 59" with that amendment to move these rules to a Notice of Intended Action, seconded by Jim Cooper. Motion carried.

Application and Fees **Sue Pleva, committee chair**

Update Board of Health Adopt and File January 8th, 2014:

IAC 641 – Chapter 28 Plumbing and Mechanical Systems Board – Licensure Fees

Chapter 28 PMSB Licensure Fees was presented to the Board of Health on January 8th, 2014. They voted to adopt and file the chapter, and it will have an effective date of March 12th, 2014. For those of you who are unfamiliar with Chapter 28, it contains the amendments that are necessary to implement SF 427, which became effective upon enactment on April 26th, 2013.

The amendments identify the licensee fees associated with apprentice, journey, master, medical gas piping certificate, inactive license, contractor, and specialty licenses. Fees are applicable to initial licenses, reciprocal licenses, and renewal licenses. All licenses are issued for a period of three years and until June 29, 2017 those renewing for less than 3 years will be prorated using a one-sixth deduction for each six-month period, late fees and requirements for lapsed licenses, along with a fee for converting HVAC-refrigeration or hydronics license into a mechanical license. Plus the 30% reduction in fees was expanded to allow for those individuals who purchase more than one active master, journey, and/or contractor license in a single transaction.

CEU Committee **Jim Cooper, committee chair**

The committee continues to meet. They approved 27 CEU classes. Also talked about the upcoming addition of the sheet metal license and the CEU's that will be required for that. We will send notices to instructors that have classes that are in the HVAC discipline and if they think that those classes to apply to sheet metal, they should resubmit those classes for approval for sheet metal CEU credit. Sheet metal classes will need to be implemented after July 1st, 2014 date.

Code Committee **Mick Gage, committee chair**

Chapter 25 State Plumbing Code Booklets

The Committee continues to meet every month. We have the Chapter 25 State Plumbing Code Booklets that have mailed out to all Plumbing and Apprentice Licensees. We also have a waiver that will be coming up later in the meeting.

Discipline Committee **Sue Pleva, committee chair**

The Committee continues to meet and will be going over cases in closed session.

Testing and Exam Committee **Jim Cooper, committee chair**

The Committee continues meeting and there is activity for potential changes later on this year, nothing has been approved as of yet.

Chapter 29 Committee **Mick Gage, sitting in as chair**

Patrick Nelson equivalency Service Technician HVAC Specialty License:

The Committee reviewed the application and documents sent in for review and feel that they do not meet the equivalency that is required. A motion was made by Jim Cooper to deny the equivalency for licensure, seconded Sue Pleva. Motion carried.

Eric Pedersen Service Technician HVAC Specialty License:

The Committee reviewed the application and United States Air Forces transcripts for equivalency for the Service Technician HVAC Specialty License. The Committee's recommendation was to approve that the USAF is equivalent to NATE certification. A motion was made by Sue Pleva to approve the equivalency for licensure, seconded Robert Kunkel. Motion carried.

Bryan Graham exam equivalency for Master HVAC, Refrigeration, & Hydronics:

The Committee reviewed documentation that was sent in. Bryan wants to sit for the master HVAC, Refrigeration, & Hydronics exam. He sent in copies of his Mechanical PE. The committed suggests that he can sit for the exam. A motion was made by Robert Kunkel that Bryan can sit for the master exams, seconded by Sue Pleva. Motion carried.

Donald Graap equivalency for Disconnect/Reconnect Plumbing Specialty License:

The Committee reviewed the application and diploma w/transcripts to get his disconnect/reconnect license. The committee felt that he met the requirements for licensure. A motion was made by Ken Sharp to approve his Disconnect/Reconnect Plumbing Specialty License, seconded by Sue Pleva. Motion carried.

Other Business

Signature on Wallet Card/Wall Certificate Consideration

There was a discussion with the Board if it was relevant to have the Board Chair's signature on the Wall Certificate. Due to technical issues with the computer software changes when the Board Chair is elected to have that signature change in a timely manner. The Board decided that it will be ok for now to take the Board signature off the wall certificate until it is easier to change the signature of the Chair in the system.

Public Comment

Jerry Hintz, Local 262, brought a concern forward regarding out-of-state contractors asking local contractors to pull permits for them and the lack of inspections to control this type of activity. Jerry would also like to see the penalties for this and unlicensed contractors be set hire so this activity will stop in the future because it is taking jobs away from local contractors.

The Board informed Jerry that there have been other contractors in the same situation within the state and somebody has turned in those contractors that took out the permit. The board has fined those people because they can't use their Master of Record for two different companies. The Board suggests that Jerry have someone there fill out a complaint form and then the board would definitely address it.

Waiver of Administrative Rules **John Kelly**

Montezuma Community School District 2013-1:

The Montezuma Community School District came before the Board again; they resubmitted the waiver to add a unisex handicapped accessible restroom with a drinking fountain into the building. They are requesting to waive the 2nd restroom for separation of men's and women's restroom. The Code Committee's recommendation is to grant the waiver. Jim Cooper made motion to grant this waiver, Ken sharp seconded. Motion carried.

Unlicensed Complaint Discussion

PMUL20130066A Damian Garcia – The Discipline Committee's recommendation is a Notice of Intended action to Impose Civil Penalty for one count of working without an HVAC license in the amount of $250. A motion was made by Sue Pleva to impose a $250 Civil Penalty for performing HVAC work without a license, seconded by Robert Kunkel. Motion carried.

PMUL20130066B Billy Sturdivant – The Discipline Committee's recommendation is a Notice of Intended action to Impose Civil Penalty for five counts of working without an HVAC license in the amount of $250 x 5 totaling $1250. A motion was made by Robert Kunkel to impose a $1250 Civil Penalty for performing HVAC work without a license, seconded by Jim Cooper. Motion carried.

PMUL30130066C Brian Brown – The Discipline Committee's recommendation is a Notice of Intended action to Impose Civil Penalty for two counts of working without an HVAC license in the amount of $250 x 2 totaling $500. A motion was made by Jim Cooper to impose a $500 Civil Penalty for performing HVAC work without a license, seconded by Robert Kunkel. Motion carried.

PMUL20130066D John Rinehart – The Discipline Committee's recommendation is a Notice of Intended action to Impose Civil Penalty for two counts of working without an HVAC license in the amount of $250 x 2 totaling $500. A motion was made by Jim Cooper to impose a $500 Civil Penalty for performing HVAC work without a license, seconded by Robert Kunkel. Motion carried.

PMUL20130066E Kyle Mahler – The Discipline Committee's recommendation is a Notice of Intended action to Impose Civil Penalty for one count of working without an HVAC license in the amount of $250. A motion was made by Jim Cooper to impose a $250 Civil Penalty for performing HVAC work without a license, seconded by Robert Kunkel. Motion carried.

PMUL20130072 Richard Bash – The Discipline Committee's recommendation is a Notice of Intended action to Impose Civil Penalty for one count of working without a plumbing license in the amount of $250 with a letter of warning regarding contractor licensing. A motion was made by Jim Cooper to impose a $250 Civil Penalty for performing plumbing work without a license and a letter of warning regarding contractor licensing, seconded by Robert Kunkel. Motion carried.

Break 10:08am
Resume 10:24pm

Application Review

There are no applications to review at this time.

Closed Session

Discipline Review, Closed Session Deliberation, and Review of September 17th, 2013 and November 19th, 2013 Closed Session Minutes.

At 10:25 am a motion was made by Jim Cooper and seconded by Sue Pleva to go into closed session to discuss complaints according to Iowa Code section 21.5(1)(a)(c)(d)(f) to review confidential materials, to review initial decision in contested cases and to review materials related to licensee discipline. A roll call vote was taken Jim Cooper, Mick Gage, Robert Kunkel, Sue Pleva, Blas Hernandez, and Ken Sharp.

At 11:13am a motion was made by Sue Pleva and seconded by Jim Cooper to go out of closed session. Motion carried.

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Open Session

A motion was made by Ken Sharp to approve the Closed Session minutes from September 17th, 2013 and November 19th, 2013, seconded by Jim Cooper. Motion carried.

A motion was made by Ken Sharp to accept the settlement agreement as proposed for case number PM20130054B, seconded by Jim Cooper. Motion carried.

A motion was made by Ken Sharp to accept the Notice of Hearing and Statement of Charges in case number PM20130066, seconded by Jim Cooper. Motion carried.

A motion was made by Ken Sharp to close case numbers: PM20130066F, PM20130066G, PM20130085, PMC20130077, and PMC20130083, seconded by Jim Cooper. Motion carried.

A motion was made by Ken Sharp to accept the statement of charges as drafted in case numbers: PMC20130073, PMC20130074, PMC20130076, PMC20130078, PMC20130079, PMC20130080, PMC20130081, PMC20130084, PMC20130086, PMC20130087, PMC20130088, PMC20130089, and PMC20130090, seconded by Jim Cooper. Motion carried.

Adjournment

At 11:22am a motion was made by Ken Sharp and seconded by Jim Cooper to adjourn the meeting. Motion carried unanimously.

Next meeting is scheduled for March 18th, 2014

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