

Plumbing and Mechanical Systems Board Meeting

Tuesday, July 19, 2011

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

Call to Order – Chair, Jane Hagedorn called the meeting to order at 9:00 a.m.

Present: Mick Gage, Jane Hagedorn, Blas Hernandez, Ron Masters, Dennis Molden, Susan Salsman, Chuck Thomas, Brita Van Horn, Cindy Houlson, Matt Oetker, September Lau and Mary Swinehart

Absent: Jenny Pitts, Ken Sharp, Jim Cooper

Minutes

Ron Masters made a motion to approve the June 21, 2011 minutes with minor changes

Mick Gage seconded the motion

No further discussion was held

Vote: All ayes

Laptop Training Ellen Warner L

Laptops were distributed to each board member. There was a discussion about the use of the laptops. Initially the intent of the laptops is to allow staff to download Discipline and CEU information to their drive. Board members will then bring their laptops to meetings and have access to files without the need for printing copies. Board meeting information will continue to be emailed to members who then can print them off and bring with them.

Ellen instructed the board members on use of tokens to access the computer, and demonstrated what members will see when they open their computers.

Waiver of Administrative Rules Roger Church

Mr. Church filed a waiver of petition in March requesting a waiver of rule Chapter 29 Application, Licensure and Examination rules 29.8 (1) & 29.8(2)a, 29.8(2)b. This rule allowed individuals to sit for the master's exam within that window of opportunity that ended November 15th. Mr. Church received approval for examination in October, 2010. He tested on November 15, 2010 claiming he did not have enough time to study and prepare. He requested an extension of time to allow him to take the Master HVAC and Master Refrigeration exams. The board requested additional information. Now the waiver is back before the board for action.

The board must examine four factors set forth by rule.

1. *Why would applying the rule result in an undue hardship on you?* This individual would not be able to obtain a license without this exemption. The petitioner has asserted that not sitting for the exam could allow his employment to be terminated.
2. *Would waiving the rule prejudice or harm the rights of any other person?* The scope of this waiver is so individualized that it does not affect the rights or prejudice others.
3. *Whether or not this has been set by statute?* When the legislature allowed for this opportunity they imposed no deadline by which the exam had to be successfully passed rather that was a rule and the board has the authority to waive that rule.

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4. *How will the public health, safety and welfare be protected if the waiver request is granted?*

Allowing someone to demonstrate their competence in their respective discipline is the means by which the board can assure the protection of public health, safety and welfare is protected. Waiving of the rule for six months would not hinder protection of public health, safety and welfare.

Chuck Thomas made a motion to allow Mr. Church six additional months from the date of this order (January 19, 2012) to take and pass the exam.

Brita Van Horne seconded the motion.

No further discussion was held

Vote: All ayes

California Contractor License

Cindy Houlson reported that an exam candidate had applied to sit for the master exam providing a California Contractor License versus a master in that discipline as defined in rule. Staff reviewed the application and because he did not have a master license felt he did not qualify. He communicated that his California Contractor license is equivalent to a master. Matt's research concluded a California Contractor License is issued into discipline specific classifications. This individual has a master in a classification of HVAC. In order to obtain a contractor license in California one has to have four years of journeyman experience in that discipline, take and successfully pass a discipline and a business law exam. Matt concluded that the California Contractor License is equivalent to a Master HVAC license in Iowa.

An interesting side note on the California Website it notes that approximately half of the applications received for a Contractor License must be returned to the applicant as incomplete.

The gentleman was allowed to take the exam. This info sharing is to let the board know there may be other similar circumstances.

Committee Reports and Recommendations for Actions:

Administrative Rules Committee

Susan Salsman reported we did not meet last month. **Susan Salsman asked that this statement be changed to: Susan Salsman reported the committee did not meet last month.**

The Practice chapter has been forwarded to this committee and will be reviewed at the meeting following this board meeting.

Cindy Houlson reported that these rules: 641 IAC Chapter 28 Plumbing and Mechanical Systems Board-Licensure Fee; 641 IAC Chapter 29 Plumbing and Mechanical Systems Board-Application, Licensure and Examination; and 641 IAC Chapter 30 Continuing Education for Plumbing and Mechanical Systems Professionals have been published in the Iowa Administrative Bulletin distributed on the listserve. August 10th a public hearing has been scheduled at different ICN locations throughout the state. That information is also attached to the agenda today. Public comment is open now.

Chapter 30 Continuing Education

Jane Hagedorn reported this committee is meeting once a month. The number of courses and instructors being received have reduced.

Total applications received 1,454

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Instructor applications approved	422
Course applications approved	847
E courses approved	45
Applications waiting for approval	12
Applications that have been returned due to inadequate information and have received no response within 30 days	128

Testing and Exam Committee

Chuck Thomas reported a meeting was held yesterday. This is the time of year for review of our contract with Prometric as well as modifying exams to reflect the legislative changes.

Chapter 29 Committee

Ron Masters reported this committee has **not** met. Western Iowa Tech has provided some extensive information for our review for approval for equivalency. Black Hills Energy will be providing information to as well to obtain their equivalency. A meeting will be scheduled.

Discipline Committee

Jane Hagedorn reported this committee meet last Monday and will be bringing cases to the board today.

Meetings scheduled: On Monday August 15th the CEU Committee will meet at 1 p.m.; Exam and Testing Committee will meet that same day at 2 p.m.; Chairs will meet after that.

On Tuesday, August 16th a Committee meeting will be held after the board meeting.

Administrative Rules and Code Committee will need to schedule their meetings. Code Committee was going to try to do some communication by email to start the preliminary work on the Green Code. Code Committee could meet on Tuesday August 15th if ARC is not meeting.

Chapter 29 could meet on Monday August 15th at 12.

Public Comment:

Mike Macula *Was it the Solar Code the Code Committee is looking at?*

Jane Hagedorn responded: No, it is the Green Plumbing and Mechanical.

Jerry Hintz

When refrigeration is incorporated with the HVAC license is your intention to change the exam around to add more on refrigeration on the exam? If so, how long will it be till we get information on what is on that test so we can carry on with our procedures?

Chuck Thomas responded that is where we are at now we are gathering additional information from Prometric. We also have to add the gas to the refrigeration. I believe we can take the gas questions in HVAC and incorporate them into Refrigeration. That will be a whole lot easier than incorporating the refrigeration into the HVAC exam.

Why would you still have a refrigeration license if it is incorporated with HVAC?

Legislation dictates we issue refrigeration licenses with gas. On the HVAC side refrigeration as it pertains to food preservation will be added.

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Joel VonHaden Attached to the agenda was a letter from Joel VonHaden, V.P. Winona Heating & Ventilating Inc. *"I am writing out of concern regarding Iowa's new HVAC Licensing program, and concern for the rapid increase in regulation affecting technicians in the HVAC trades overall."*

Ron Masters commented that the committee after doing extensive research set the fees in the medium range.

Don Hansen: *why are we not enforcing licensing?*

Matt Oetker commented that licensing is not the issue, it is a CEU issue, and Mr. VonHaden contends there are too many CEUs.

Kevin Kruse: *We have not been receiving as many calls as we did last month. Is there any estimated time when renewals will be able to be done online?*

Cindy Houlson responded at this point we do not know how much longer it will take. We do know they have reached the testing stage which is good news. Notification will be sent to those on the listserve, when online renewals become available.

Susan Salsman: *How should licensees keep track and be accountable when they send their application in?* *"per Sue Salsman during August 23 Board meeting her corrected intent was Sue Salsman had concern about what might happen to applications because the automated application process is down and a manual process is being used in the interim. She wanted to know what the process was and how applicants would be assured that their application would be processed. She asked if confirmation numbers were provided, if applicant's need to hand deliver or send certified mail"*

Cindy Houlson: Licensees should know it takes four to six weeks to receive their renewal license. We get many calls. Each application is logged in when received and each application is stamped with the post date. A licensee may send their application via certified mail or hand deliver. We really don't want thousands of calls.

Jerry Hintz also suggested that licensees can check licensediniowa.gov. after six weeks, and then call the office if it has not been received.

Motion for Closed Session:

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)."

Blas Hernandez seconded

Motion carried

The Board reconvened in open session at 11:01 a.m.

Chuck Thomas made a motion to close case PM20100057

Ron Masters seconded

No further discussion was held

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Vote: All ayes

Chuck Thomas made a motion for the board to accept the statement of charges as drafted for case PM20100006.

Brita seconded

No further discussion was held

Vote: All ayes

Chuck Thomas made a motion to accept the statement of charges as drafted for case PM20110004

Brita seconded

No further discussion was held

Vote: All ayes

PM20110007 & PM20110008 Discussion

There are numerous reports of Ted Salz continuing to work despite actions taken by this board.

Substantial proof that Mr. Salz is engaging in trade related work has not yet been obtained. Mr. Salz used another licensee's license to provide proof he had a licensed person working for or with him to subcontract a project at the West Hancock High School in Britt, IA. Contact was made with the general contractor and the high school. Mr. Salz was removed from the jobsite regarding trade related work and licensed persons from Mort's Water will be performing the trade related work at the high school. Ted Salz is in the process of resolving his licensing situation and is scheduled to sit for an exam on July 24, 2011.

The Discipline Committee held a lengthy discussion about this situation with the hope that Mr. Salz sitting for the exam could solve this issue. Mr. Salz has not resolved the first fine imposed upon him. September Lau commented that once he passes the exam, when he applies for a license, issuance will be contingent upon payment of the fine.

There will be no action for cases PM20110007 & PM20110008 at this time.

Dennis Molden made a motion to amend the June 2, 2011 minutes with corrections to attendees.

Brita Van Horn seconded

No further discussion

Vote: All Ayes

Mick Gage made a motion to adjourn

Sue Salsman seconded

No further discussion

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Vote: All Ayes

Adjournment at 11:23 a.m.