

Plumbing and Mechanical Systems Board Meeting

Tuesday, May 15, 2012

Grimes State Office Building, 400 E. 14th St.

Basement Room B50, Des Moines

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

Roll Call: Jim Cooper, Mick Gage, Jane Hagedorn, Blas Hernandez, Ron Masters, Ken Sharp, Chuck Thomas; Brita Van Horne; Sue Pleva and Rod Schultz.

Staff: Cindy Houlson, Matt Oetker, September Lau, Susan VanHorn, Bryant Reynolds, Dan Hostetler, John Kelly and Mary Swinehart

Absent: Jenny Pitts

April 17, 2012 Minutes

Ron Masters made a motion to approve April 17, 2012 minutes. Motion seconded by Chuck Thomas. Motion carried unanimously.

New Member Introduction Jane Hagedorn

Jane Hagedorn introduced new board members Sue Pleva and Rodney Schultz. Each person around the table introduced themselves to Sue and Rodney.

Election of Officers Jane Hagedorn

Cindy Houlson has received no nominations for officer positions.

Ron Masters made a motion that Jane Hagedorn remains Chair, Mick Gage remains Vice Chair and Chuck Thomas remain Secretary. Brita Van Horne seconded the motion. Motion carried unanimously

Committee Assignments

Each committee chair gave a brief description of what their committee does, how often they meet, what time commitment there is and if there are vacancies on the committee. Meetings can be teleconferenced rather than driving to Des Moines.

Committee members were offered the opportunity to move from one committee to another if they chose. No one expressed an interest in changing.

Rodney Schultz and Sue Pleva choose to think about committees, and sit in on some to see process to decide which committee they would like to serve on.

Legislative Update Ken Sharp

Ken Sharp reported the last minute of the last hour the Senate passed language. That language came out of nowhere; as far as the department was concerned we had no idea that that was out there. That bill language raised serious concerns from an administrative standpoint for the board and the position it puts the board in. For those individuals who have allowed their license to lapse it grants a onetime renewal only for those individuals that had a lapsed license if they had taken a municipal or block exam. The language does not take into consideration individuals who took and passed an exam under this board, they would not be eligible under this. The other concern that I have is the divisiveness' that it puts the board in the middle of dealing with the urban versus rural issues that are out there. We had made some recommendations from a department's perspective. There was nothing in the language that addresses CEUs. We thought at a very minimum we would have the requirement that they not only have to demonstrate that they have passed previous exam, they would have to demonstrate they have completed their CEUs. The other thing we did as a department, while trying to keep the board members out of the rural

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versus urban frustrations that this cause, we made recommendations to apply this to everyone this first year. The language we proposed did not go anywhere in the House. The bill language that you see has passed the Senate and the House.

It is not effective yet, it does not become law until the governor signs it. The governor has thirty days from passage, and I believe the bill passed out of the House last Wednesday. We have thirty days from last Wednesday to see what the governor's office will do. There is a chance the governor could do a line item veto on this section. We have expressed some concerns to the governor's office about the implications this places the board in, in terms of rural versus urban challenges and perceptions. This is a very large bill that has a lot of different things non-related, so the governor will be spending a lot time reviewing this bill and making decisions on what portion of that bill may be struck.

Standings Bill was passed by Senate and House, currently sent to Governor for signature. language that was inserted into Senate Standings bill was supported:

#5. Page 3, after line 2 by inserting,

2 22 <Sec. PLUMBERS ~~~~ LICENSE EXTENS~ONS. Until January 1, 2013, the plumbing and mechanical systems board shall grant a one-time renewal of an expired license if the person holding the expired license demonstrates successful passage of a municipal or block examination. For any licensee receiving a renewal under this section, the board shall clearly state in any correspondence for succeeding license renewals that the provisions of Code section 105.20 shall apply.>

Status of May 22, 2012 Meeting – 105 Rewrite Ken Sharp

Ken Sharp reported at the last board meeting there was discussion about initiating a meeting with industry partners on May 22nd. We have received RSVPs from almost all of the organizations that were invited. . Ken will distribute information to attendees, such as a copy of Chapter 105 and formulized agenda. We will be working with the various industry groups to help us educate legislators about the industry's concerns around this and the need to address some of the structures addressed in Chapter 105. This will be a very time consuming process, but it is something that we should begin working on and take a look at whether it is practical or not and to have something in place for 2013 legislative session. We want to go into this with a full understanding of the partners as well as any legislators we work with that this will need to be a transition that takes a year or two. It is not something that happens in a matter of three to six months. We will need time, as a board, to rewrite those rules, restructure some of the exam requirements and those types of things. Jane Hagedorn, Ron Masters and Mick Gage plan to attend the May 22nd meeting in Grimes B100 at 10 a.m.

Committee Reports and Recommendations for Actions:

Ad Hoc Committee

Brita Van Horne, Ad Hoc Committee chair reported this committee met last Thursday, the day after the standings bill had gone to the Governor's office. The Committee felt it would be advantageous to hold off on any recommendations for Chapters 28 and 29 until standings bill results are apparent. The bill would also affect waivers.

The committee did review the public comments received. One comment stood out:

"This first renewal period, it would be practical to review these waiver requests on the basis of whether the licensee can produce evidence that they pursued continuing education after obtaining their license. Considering the licensee's diligent pursuit of CEUs can provide reasonable evidence to the Board to support the licensee's claim that missing his/her renewal date was merely an oversight. The Board can reasonably conclude that licensees who were not actively pursuing CEUs were not likely serious about maintaining their license in the first place."

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The committee felt this has some merit that could be inserted into the process of reviewing waivers. Brita asked for board input.

Jane Hagedorn indicated she likes the idea of factoring in CEUs completed in a timely manner for waivers, but not the only factor when determining denial or approval. This creates a change in staff process, as the committee would need to have that information up front, along with the waiver application. A paper application would need to be completed or CEU documentation provided.

The board agreed completion of CEUs prior to expiration date should be used as a factor in determining whether to approve or deny a waiver request.

Administrative Rules Committee

Brita Van Horne, ARC Committee chair commented we will be going through waivers later in the agenda.

Continuing Education Committee

Jane Hagedorn, CEU Committee chair reported this committee met yesterday. We reviewed courses. We also worked on rule changes to present to the board for input.

There are two to be presented today.

The committee explored the possibility of increasing the number of hours for computer based classes (ecourses). Presently, our rule states: "You are allowed to have 2 hours of ecourses to meet the requirements". The committee would like the hours to be up to half of the required CEUs. For instance a single license holder is required to complete eight hours of CEUs during the licensing period, then 4 hours of ecourses could be used to meet the requirements.

Following a discussion the board agreed to move forward with this thinking.

The committee also discussed code requirement. Presently the rules states the two hours of code requirement has to be in the applicable Iowa code. To keep licensees up to date on changes this committee would like the language in Chapter 30 changed to "applicable Iowa code or any later published edition of that same code." That would allow us to keep our licensees updated as to changes to the code and moving forward with what is current.

There is always a lag time from the beginning review till that code actually becomes adopted.

Along with this we will need to be looking at the testing in conjunction to Iowa Code.

The board agreed we should teach on the most up to date code available.

Code Committee

Mick Gage, Code Committee chair reported this committee met yesterday to discuss process of adopting the 2012 UPC Code.

Chapter 29 Committee

Ron Masters, Chapter 29 Committee chair reported this committee has not met yet this month. As discussed earlier the next meeting will be May 22nd.

Discipline Committee

Jane Hagedorn, Discipline Committee chair reported this committee met yesterday to review cases and will not be bringing forward any cases.

A new process will be implemented to allow board members more time to review complaints before they are discussed at the board meeting. Complaints will be sent to the WinSCP site entitled board discipline. Board Members can review the cases/complaints and be ready to

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discuss at the next board meeting. We will not be presenting anything today but will be ready for next month's meeting.

Testing and Exam Committee

Chuck Thomas chair of Testing and Exam committee reported this committee met yesterday. There was a lengthy discussion about issues with our test providers. Issues have progressed to the point where this is an administrative issue. Ken will be contacting Prometric, in hopes of gaining some cooperation.

The contract with Prometric is up in 2014. Knowing the process takes a year or year and a half this may not be too soon to proceed with a RFI. The committee discussed this and left it with Cindy Houlson speaking with Ken Sharp about it.

Ken Sharp commented that the concern we will have to watch is there is a termination clause in that contract that allows either party with appropriate notice to walk away. If we do go forward with the RFI it is possible that the vendor could implement that termination clause. There could potentially be a point where we would have to scramble and figure out how we are going to manage that. The RFI and RFP take longer than the termination clause allows. If we don't handle this as diplomatically as we can while looking at other options, we could end up with a testing vendor that may not be able to get into place in time for any gaps that may be there from a termination of an existing contract.

There may be a need to tie this in with the May 22nd meeting as a RFI may not provide information needed according to 105 as it stands.

Ken Sharp said he would start the process right away.

Dates for Committee Meetings

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| Ad Hoc (Chap. 28&29) Committee | June 14, 2012, 1-2 p.m. in Lucas Room 523 |
| Administrative Rules Committee | June 14, 2012, 2-3 p.m. in Lucas Room 523 |
| Med Gas Committee | June 14, 2012, 3-5 p.m. in Lucas Room 523 |
| Code Committee | June 18, 2012, 11-12 p.m. in Lucas Room 518 |
| Discipline Committee | June 18, 2012, 12-2 p.m. in Lucas Room 518 |
| Continuing Education Committee | June 18, 2012, 2-3 p.m. in Lucas Room 518 |
| Testing and Exam Committee | June 18, 2012, 3-4 p.m. in Lucas Room 518 |
| Chairs Committee | June 18, 2012, 4-6 p.m. in Lucas Room 518 |
| Chapter 29 Committee | will set next meeting at the May 22 nd meeting. |

Other Business

A request from board was made to move July Board Meeting from July 17th to July 24th due to Independence Day and vacations. This change can be confirmed at the June board meeting.

Unlicensed Complaint Discussion

There are none available today.

Public Comment

Kevin Toxword & Jana Byrom from Standard Heating

Jana Byrom spoke: We are looking for some direction from the board. I have a feeling you are going to tell us about the waivers. Standard Heating and Air Conditioning from Omaha, we've been doing business for 37 years. Last year during renewal we started doing individuals online;

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going through that process it was stopped because there were some problems online. There are 15 individuals that were not completed online. We submitted them by paper. We are at a point where we need some direction from the board.

Ken Sharp: I know you had called my office late Friday and I apologize for not getting back to you until today here. There seems to be some discrepancies in the record keeping. I would be happy to take any documentation that you have. According to some of our notes, there was reference to you submitting the packet in the May Board Meeting in person (*correct*) to the lady that sits on (*she was sitting right here*) the end of the table with long hair. The only person with long hair in that office is Susan VanHorn.

Jana Byrom: That is who I was dealing with.

Ken Sharp: We went back and listened to the May recording and Susan was not present at the May Board Meeting.

Jana Byrom: I don't know her name the gal was sitting right here on the end. I sat in this chair I talked to her for a little bit because at that time I was coming to every board meeting. I brought that packet over with me in a large white envelope it was stamped Standard Heating. I was in Des Moines for some other training at the time.

Ken Sharp: With that information that you mentioned you submitted an exam application for Randy Krager was included.

Jana Byrom: No he was not in that May packet.

Ken Sharp: You mentioned that he was in one of the packets which packet was he in?

Jana Byrom: When we resubmitted in October, at Susan's direction.

Ken Sharp: We show that Randy submitted his application online in September.

Jana Byrom: Which did not happen, it did not go through and he talked to Cindy multiple times about this. We had mailed it over and he had to resubmit on line and everything. Then it was found, his original paperwork was found was what he told me. I'm just telling you we submitted this two times I don't appreciate being questioned that we put the time and effort in continuing ed for 60 some individuals, 40 some of them when we were able to do online were completed. In the middle of doing them online I received an email, which I have that Cindy sent out to everybody saying everybody stop. I was literally online at the time I received that email. Why we would not renew these 15 individuals that's absurd. As a company why we would not renew 15 people.

Kevin Toxword spoke. We operate in several different jurisdictions and there are different restrictions in each jurisdiction whether it be Omaha, Council Bluffs, IA, Lincoln, York, Fremont, they all have their own deal and we keep up on the licensing in every different area. We have a database.

Ken Sharp: Sure. I'm just trying to understand where the discrepancy is.

Jana Byrom: I would like to understand the discrepancy also. All I know is I don't think it is too out of line to say maybe a packet of paper this size with as busy as this office was misplaced. If I could have continued that day online they would have all been done. It's been submitted twice I don't think anybody in the office I have spoken to can deny the fact that I have made regular calls to the office inquiring about these licenses for a year now. A year. Then on top of that I find out Friday in the last two months after all these inquiries and coming over and seeing Mary last week, nobody along the way told us about the waivers and that is the route we needed to take – nobody has given us any direction. And then we find out on Friday that there is a bill going toward the governor's office that may change how we handle this. Nobody has offered up that information to us as a business who has 160 individuals, who does a lot of business in the state of Iowa. It's frustrating and I would like to know from the board how do we move forward

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Kevin Toxword spoke This jeopardizes our ability to work from an employee standpoint. Their right to work. We can't send them to Iowa to work. We got a lot of work in Iowa.

Ken Sharp: I don't know how much of this you want to have in this discussion, in this format; I will leave it up to you Jane as chair to give us some direction. We have what appears to be contradicting information and I am happy to sit down with Jana Byrom and her folks to try to work through that and find the answers. We don't have good documentation that shows that these things were submitted. The time that Jana Byrom says she submitted it was to a long haired person, the long haired person is sitting right there, and that person was simply not at that May board meeting. Our information does not align with what Jana Byrom is providing. There are some other conflicts that I have here and can disclose those in this format, but I don't know that this is the appropriate format to have that discussion. I would be happy to have an offline conversation and try to work through this. I don't know that this is a good use of Board's time to try to work through these discrepancies in the public setting but I will yield to you in whatever guidance that you want.

Jane Hagedorn: I would prefer that you do it not during board meeting time but I would also like a full report to come back at the next board meeting to know what resolution has been found and where the discrepancies are.

Ken Sharp: If any of the board members would like to sit in on that discussion since Jana Byrom has come to the board as a whole I would be glad to sit down with you guys as well.

Brita Van Horne: We have four waivers coming up that relate to this so maybe

Jane Hagedorn: At this point the waiver is the process that is in effect and what needs to happen.

Jana Byrom: So they need to submit that waiver with all of their continuing education.

Jane Hagedorn: I would like you to get with Ken and the resolution may be that you end up submitting waivers but I would really like And I do want a board member present.

Ron Masters will attend.

Ken Sharp: What I am suggesting is perhaps we could make a trip to them rather than having them come back to Des Moines. I think this is better solved face to face rather than by email.

Jane Hagedorn: My concern about a trip to them is you may not have the documentation that exists in the office.

Kevin Toxword We have no problem coming here.

Ken Sharp: Let's get together maybe over the lunch hour to schedule a time a time during the next week or so. I have a couple of trips coming up. I'll find a couple hours within the next week or so that we can get together face to face and try to resolve the discrepancies.

Jane Hagedorn: Ron will be attending representing the board.

Rod Schultz: I would like to attend that meeting as well as it directly affects my area.

Mike Macula, Local 125

I question the new renewal bill. I don't know where that little tidbit came from at the end of the legislative session.

I am finally positive about our pass/fail rate for the state licensing exams. We have a pretty good group of plumbers averaging 93% pass rate, for fitters we are at about a 55% pass rate for the first time. I would like to see the hydronics come up. We are finally figuring out the text books. I would like to see it go back to an actual code test. I am going to need to know this fall because December and January we will be testing a whole bunch more and I need to know whether 2009 or 2012.

Matt Oetker: the best case scenario we are looking at rule changes to update the code may meet the January timeframe. Once that is done it goes to Testing and Exam Committee.

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Mike Macula: So just plan on 2009 being around for quite a while. Both plumbing & Mechanical.

Matt Oetker: We have no control over the Mechanical Code.

Jane Hagedorn: there was a discussion in committee whether we could test over the most current code even though we had not gone 100% through the process of having the Iowa Code to an updated state. I don't think there was consensus among the committee.

Mike Macula: A lot of jurisdictions have adopted the 2012 and are going with it.

Jane Hagedorn: Even if we do that we would assume that Prometric would make those changes. We are only allowed to give those changes in July, once a year. They still have not made the changes that we gave them last year.

Mike Macula: NITC is going to be quite different to renew your med gas installers license with new code book. Changes for that are significant. Wow is it interesting. Before to renew you took an online test. Now it has to be a proctored online test. You have to have a proctor present when you're taking the online renewal test.

I was wondering about the solar and green plumbing – is anything going to be done with them?

Ken: that is being wrapped in to the bigger discussion on May 22nd. We have Tom Snyder attending. He is forwarding me some information so that will be part of the discussion on Chapter 105 rewrite.

Jane Hagedorn: In terms of code committee they have reviewed both the solar and green plumbing and they are recommended as a guide.

Jerry Hintz, Local 263

I got some information from Prometric that lists all the pass/fail rates

Journey person hydronics it is 40% Master hydronics is 44%

Journey person HVAC with gas 17.69% Master HVAC is 11.7%

Journey person Plumbing with gas is 39% Master Plumbing is 28.85%

Journey person Refrigeration is 41% Master Refrigeration is 40.74%

That means you don't have a 50% chance of passing any of these tests when you walk into that room. My belief is that is pathetic. Should have at least a 50/50 chance of passing that test when you walk in that room. What is use in walking in the room? If you go by the numbers that Prometric gave me for this thing there were 125 people took this test one time, it doesn't list how many took it the second time. Out of the 125 who took it the first time, 24 passed, 101 did not. You'd think there would be 101 people taking it the second time. There were only 85.

This board is not getting licensed professional people doing the work.

Chuck Thomas: In the beginning, the first group that Mike sent over for plumbing or hydronics was pretty much a bust with everyone. The same with Local 33 here in town. The numbers look bad but I know pass rate is coming up.

Jerry Hintz: the group from Omaha just took a group in to take the HVAC with gas in April. Out of 14 people, one was an instructor, 3 people passed that test with one being the instructor.

We need to do something. I am definitely looking forward to this meeting on the 22nd.

Jane Hagedorn: These concerns have been brought forward and the board is fully aware. I think that is part of what we are trying to work through. We are working on it as best we are capable.

Nick Cerrato

On the upcoming bill if the governor does veto it, maybe you should say the same. You have already had public comment on it. Maybe we should just drop it and leave the language the same. Quit wasting time.

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5 minute break was taken.

Waiver of Administrative Rules

Jack Houghton 2012-91 641-25 (403.2)

Mr. Houghton was not present

As this is a code related waiver, John Kelly spoke. This waiver is for separate facilities for each sex. The rule under 403.2 states: *Where plumbing fixtures are required, separate facilities shall be provided for each sex. There are three exceptions in the rules: 1) separate facilities shall not be required for dwelling units and sleeping units 2) separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers of 15 or less and 3) separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 50 or less.* This waiver does not meet any of these exceptions. The particular facility involved looks like it is part of a strip mall with a lot of separate store entrances. The part in question is the salon area. The understanding is these two were partners in one salon at one point. Now he has split the space has been split into two separate spaces creating two separate salons. He questioned the one that has only one restroom serving it. It is about 19 sq.ft. Looking at the facility itself there are 28 fixed seating stations. He is trying to work into this 15 or less occupant rate. I believe I had a conversation with him. He is referencing 1500 sq. ft. I think this was from a misunderstanding of the discussion before I had any plans of the facility. He asked how to calculate occupant load. However the occupant level would be based on seating. I have not had a chance to follow up with him.

The committee's recommendation was to deny.

Jim Cooper pointed out there are other things he could do. He could take out stations or if they could make a connective hallway where they could get access to the restroom on the north that might solve the issue. There may be other alternatives that have not been explored.

Ron Masters made a motion to deny this waiver due to not being code compliant. Jim Cooper seconded the motion. A roll call vote taken: Voting to approve the motion were Jim Cooper, Mick Gage, Blas Hernandez, Ron Masters, Sue Pleva, Rod Schultz, Ken Sharp, Chuck Thomas and Brita Van Horne.

Motion unanimously carried

John Kelly commented he will follow-up and provide alternative suggestions.

Brenton Kennett 2012-92 641-28.1(5)c

Mr. Kennett was not present.

Brita Van Horne, chair of ARC Committee provided that this person stated he was not notified and his employer was supposed to take care of it but didn't. We have ruled in the past that individuals are responsible for their own license renewals. This gentleman did not provide any additional information that would be substantially different than any other waiver request that we have seen. The committee's recommendation was for denial.

Jane commented This is one, that the bill on the governor's desk if signed may help. It looks like he may have taken a test.

Brita Van Horne: we are in a bit of a pickle now with the standings bill. At this point, it is not a law. We would have to look at it like the other waivers we have reviewed.

Jim Cooper made a motion to deny this waiver due to no special and individual circumstances would justify treating him differently. Ron Masters seconded the motion. A roll call vote taken:

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Voting to approve the motion were Jim Cooper, Mick Gage, Blas Hernandez, Ron Masters, Sue Pleva, Rod Schultz, Ken Sharp, Chuck Thomas and Brita Van Horne.

Motion unanimously carried

James Capps 2012-92 641-28.1(5)c

Mr. Capps was not present

Brita Van Horne, chair of ARC Committee presented that this waiver is similar to the last one in some ways. This gentleman was under the impression that his record of classes were sent to the state. He did not apply to renew on time. His CEUs were taken after his license expired and he is still short. The committee's recommendation was to deny this request.

Jim Cooper made a motion to deny due to no special individual circumstances that would justify treating him differently. Mick Gage seconded the motion. A roll call vote taken: Voting to approve the motion were Jim Cooper, Mick Gage, Blas Hernandez, Ron Masters, Sue Pleva, Rod Schultz, Ken Sharp, Chuck Thomas and Brita Van Horne.

Motion unanimously carried

Joel Werley 2012-94 641-28.1(5)c

Brita Van Horne chairperson for ARC Committee reported this individual did not renew his license in a timely manner. The committee did not find any special circumstances that would justify treating him differently.

Joel Werley commented the waiver seemed a bit generic. Took all CEUs and have proof of same. I don't know how the license did not get renewed. I know I was not going to do it on the internet; I don't do much computer stuff. I know I was going to wait till the very last because I was unemployed for most of that winter and I didn't have the \$200 to renew my licenses. I can remember filling it out with the gal from Local 33. I remember filling it out once. I don't know why you didn't get it. Why would I take all my CEUs and not renew the license in my chosen trade Jim Cooper asked what tests have you taken? Were you grandfathered in? I was grandfathered in on everything except Plumbing, as I had a City of Des Moines license. At the time, it was the only physical license you had to have. I've never had a master license I've never taken the master test.

Jane Hagedorn: The reason for not contacting the Board until April of this year?

Joel Werley: Didn't know it had expired till sometime near the end of March. I assumed my license renewed. Again, I have the same feeling you guys do; I don't know why this did not happen. I can't give you an explanation. I cleaned out the work truck I didn't find anything there. I cleaned out my pickup truck there was no envelope that did not get mailed. Again, I can remember filling out the paperwork once and the gal at the school provided me with copies of all my certificates.

Ken Sharp: My question for the committee that had the discussion about the CEUs how does that discussion relate to this example?

Brita Van Horne: Based on the conversation we had earlier I think it can be considered a factor in the decision. It doesn't sound like it should not be something we automatically know, but it can be used as a factor in the decision.

Jane Hagedorn: I would like to know how each board member feels on that. Because if we have a strong consensus one way versus the other I'd like that to factor in.

Brita Van Horne: I think it definitely shows that a person was putting in the effort and preparing to renew in a timely fashion, so I am somewhat in favor of considering that to be a good indicator of their intent.

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Jane Hagedorn: Would it be enough of an indicator to grant a waiver versus only one factor in a list of more?

Brita Van Horne: It has to be specific for me. I'm considering it the day their actual license expired not the 60 days after. At least someone was prepared on the day. If it is 3 days after they are still within their grace period. I'm okay with it being the factor that makes the determination for me. I need to have something that is specific, has to be by this day. Otherwise it will be the same scenario, is it 3 days after, 61 days after – what is appropriate? To me it is the zero day, because it says to me all along when their license was good they were planning in advance to renew it. So as of that day is a clean way to do it. I am okay with that being a reason for granting a waiver. It is a definite departure from what we have done. Then we have to be consistent going forward.

Sue Pleva: As a new by I would say is that he obviously made every attempt and prepared to renew that license and he went beyond what was required.

Jane Hagedorn: Would it be enough to tip the scale to grant the waiver versus

Sue Pleva: if that is the way you want to look at it – he did make that attempt.

Jane Hagedorn: the question is it in of itself enough?

Rod Schultz: I would say no, it is not enough. After you got enough continuing ed, your 16 hours why didn't you just do it then?

Jane Hagedorn: They can't do it that soon. It is only 30 days before.

Jim Cooper: I am in favor, we have sat here months now and we try to find reasons to grant waivers if we can and this shows that he had every intent to renew. I realize if we do this, this is setting precedence.

Ron Masters: It is good enough for me in terms of protecting the public health and safety of lowans by doing the due diligence and getting far more CEUs than was actually needed.

Blas Hernandez: I don't have a problem granting a waiver, but I think we do need to review this CEU requirements for the individual and it should be a case by case basis. For this specific case, I don't necessarily believe this is setting a precedence, I think it is a case by case basis. In this case he demonstrated that he was preparing to renew and for some unknown reason it did not happen.

Chuck Thomas: On this subject, not on this individual, I think we need to take that into account but I am not 100% sure how you get to the, everybody has good intensions. I'm in favor of using it to help make a decision but not that it is solely an event in my mind that somebody has their CEUs out of the way. On this particular case with Joel, I will abstain from voting because of my connections with Joel. I think we should take it into account but I don't know how to take it into account.

Jane Hagedorn: We have a rule and I believe it is a factor, it shows intent, but it is not enough for me to tip the scale to the grant side. I want to know that there were extenuating circumstances that caused that licensee to be renewed in a timely appropriate amount of time.

Chuck Thomas: For me, it is not enough to grant.

Mick Gage: I think the CEUs are a factor and the fact that you had them done on time I like that. But I really feel it is your responsibility to have that application in and in on time and I would probably vote no on yours right now.

Ken Sharp: I'm going to fall in the same boat as Jane at this point. I have to take a look at the rules we have in place, I know there has been discussion about where we want to get to and where we want to go. I think if we get further in that process I would be inclined to say yes this is something I would take a hard look at. Maybe at some point I would be comfortable in saying yes this is the sole factor that weigh me in favor of granting but with the rules we have right now, the way this board has reacted to similar situations in the past, and the uncertainty we have with this standings bill, and the uncertainty around our rules I'm hesitate to start making too much of a shift

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in my decision making at this point until we see some of that dust settle. At this point I would likely vote no in granting this waiver.

Jane Hagedorn: that is a five/five split. We have to follow our rules as they are today.

Brita Van Horne: when we talked about it in the committees we were in the same vote. I have the same feeling but it has to be clear cut in order to switch horses. I am okay with not switching horses too.

Jane Hagedorn: This is where we have been throughout on this topic. It is pretty much split down the middle. I think we have to rule on this based on the rules that we have and in keeping with how we have handled other waivers that have come before us before.

Joel Werley: I would like you know how important it was to me to get the CEUs in and I wish I could offer up – it fell between the seats of the pickup truck or the dog ate it but I can't, I don't know where it went. My question is when the standings bill does pass or does not pass how do I know? Where do I go find that information?

Jane Hagedorn: Once we get something from the governor's office my assumption is that that notice would be put on our website so that all of our licensees can access that from the website. Once it is signed this board is going to have to figure out how we go through the process of administering that and that will take a little time. I don't know what that process will be until we know if we are going down that road or not.

I would entertain a motion on this one.

Mick Gage: On your licenses you have the plumbing by exam and everything else is grandfathered? Did you have training?

Joel Werley: Yes, I should have brought that up. I went through the Plumbers Steamfitters Local 33 JACT, got my 5 years there, received plus on the job training.

Mick Gage: you worked in all four classes then.

Joel Werley: yes, in some way or another.

September Lau: the committee did not see any special circumstances in this case

Mick Gage made a motion to deny. Ron Masters seconded the motion.

A roll call vote was taken. Voting to approve the motion were Mick Gage, Rod Schultz, Ken Sharp, Brita Van Horne and Jane Hagedorn. Voting not to approve the motion was Jim Cooper, Blas Hernandez, Ron Masers and Sue Pleva.

Motion carried

The following three are from C&J Bulldozing, LLC Brita Van Horne commented that there are actually 3 individuals from the same company that submitted waiver forms

Charles Hough 2012-96 641-28.1(5)c

Brita Van Horne chairperson for ARC Committee reported there were some circumstances possibly but it was not clear how that directly affected his ability or inability to renew his license. They related to illness with family members. The committee did not have a recommendation seeking more information before the board makes a final determination.

Mr. Hough: I have a small business and we were all three grandfathered in. All of the stuff we do is not internal of the buildings, it is all external. That is why we did what we did. I took it upon myself and my two employees (Ronald Burch & Eldon Louwsma), I put our address on their forms so all information would come to me and I would handle it. Last year we did have a conversation that we did need to do our CEUs. As things fell apart for me, which is why I overlooked this. By the way, I discovered within two weeks of our expiration date was in March. During the course of

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the last few months my family has had four family members get sick with cancer and they passed away. My father has Alzheimer's and I've devoted a lot of time for numerous doctor appointments to help care for him. My mother also has some issues. This is not an excuse I guess but the date was misplaced and overlooked. There was no intent on our part. I feel very responsible for those two sitting over there, had I put their address down they would have gotten a notification, and they would have reminded their boss that hey we need to be taking care of this and that is why they are sitting where they are. I take it upon myself because I did what I did to do this. Since this has happened and I wrote my letters we changed some things to make sure this never happens again. It will be a pretty good hardship if we don't get things changed. We didn't do anything because I didn't think it mattered until we come before the board. We spoke with Steve Penns from Johnstone Supply and he said you would recognize that they are testing people for the CEUs. He assured me that after meeting he would make sure we are up on our continuing ed during the following week. There was no sense in doing that until we knew. He assured me he would make sure we get our proper stuff that we need to continue on. We have taken measures so this will never happen again. It is kind of embarrassing but when your mind is distracted like mine was, it is pretty hard to get everything taken care of. That is how it happened.

Jane Hagedorn: At this point you do not have your CEUs criteria met?

Mr. Hough: We discussed it and as things fell apart it just didn't happen. When I discovered it I was very upset and I started calling and found out, that like the other gentleman, computer is not my friend but I can operate it. We are well onboard now with what we need and the time period. We have a person in our office that we dedicated to help us so we don't do things like this again instead of putting all on myself.

Mick Gage: You don't have any CEUs. Did you understand when you got a license that you needed to do CEUs every year?

Mr. Hough: No I was not. I did not understand that. At some point we knew we were going to have to. The three of us discussed it and as things fell apart with my situation it was in left field.

Mick Gage: You mentioned that you do not do anything inside the building. Is that still true?

Mr. Hough: We have no desire what so ever to do plumbing in buildings, our particular business does work from a basement wall out for septic system or occasional work on a city sewer.

Mick Gage: You don't need a license for that.

Cindy Houlson: That exemption does include some language that if the local jurisdiction requires.

Mr. Hough: The city of Ottumwa, which we work in, does require and that is why we took advantage of grandfathering in. We never will do that. Our business is excavating.

Jane Hagedorn: The city of Ottumwa requires you to have a plumbing license?

Mr. Hough: We can't even put in a septic tank in the city limits without a plumbing license or we have to hire a plumber, which that just doesn't work because you price yourself out of the ball park. We are not here to be plumbers.

Mick Gage: Septic tanks are not governed under this body. It is governed under the DNR.

Mr. Hough: But still the city rules. If we do some sewer work and water work, if we don't have this we can't function.

Ken Sharp: I have not heard of Ottumwa requiring a plumbing license. Does the city of Ottumwa require a permit to be pulled for work from a main to the building?

Mr. Hough: I believe they do. A lot of times we work for a general contractor and he may pull the permit, but we are still doing the work so we are required to be licensed.

105.11 paragraph 12: Apply to a person who performs the laying of pipe that originates or connects to pipe in the public right-of-way or property that is intended to become public right-of-way, even if such pipe extends under the property and up to the building. However, the person shall not make any interior pipe connections within a building under this exemption. This exemption does not restrict local jurisdictions from requiring licensure under this chapter if required by local ordinance, resolution, or by bidding specification.

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Ken Sharp: suggested, as a business decision to obtain verification from the city of Ottumwa that they in fact have an ordinance, resolution of bidding specifications that that licensing requirement is in fact a part of the local jurisdiction. If it is not there, there are no licensing requirements for these individuals under our chapters.

Jim Cooper made a motion to grant a waiver with a 30 day window to complete CEUs on the grounds that there are enough extenuating circumstances to warrant this.

Brita Van Horne seconded the motion.

A roll call vote was taken. Voting to approve the motion were Brita Van Horne, Chuck Thomas, Ken Sharp, Rod Schultz, Sue Pleva and Jim Cooper. Voting not to approve the motion was Mick Gage.

Motion carried.

Ronald Burch 2012-95 641-28.1(5)c

Brita Van Horne chairperson for ARC Committee reported that the information submitted is the same information submitted on Charles Hough's waiver. It has been the practice previously that individuals sign the application to get the license; they are responsible by our rules that they get that license renewed and take responsibility for their own license. Because there were no extenuating circumstances that relate to those people personally, the committee's recommendation was to deny the request for waiver for Ronald Burch.

Mr. Hough: I basically took that away from them, they had no notification, and they relied upon me. My circumstances affected all three of us. They are just like me, they are my employees, and they have no reason to do any of the other plumbing that we spoke of earlier. Once we figured it out there was no reason to take the CEUs until we got the determination of the board. I was assured by Steve Pins, Johnstone Supply that he would take care of this in very short order, all three of us at once.

Mr. Burch had nothing to add.

Jim Cooper made a motion to deny this request on the grounds that there were no unique or unusual circumstances. Sue Pleva seconded the motion.

A roll call vote was taken. Voting to approve the motion were Brita Van Horne, Chuck Thomas, Rod Schultz, Sue Pleva, Mick Gage and Jim Cooper. Voting not to approve the motion were Ken Sharp, Ron Masters and Blas Hernandez.

Motion carried

Ken Sharp would strongly encourage to get with the city of Ottumwa and find out specifically what their statutory requirements are for that licensing requirement. Get that clarity from them in writing. In their statutory language, there may be such that the city of Ottumwa, if in fact they do have the licensing requirement, only requires a licensed individual onsite. If that is the case, you are still in that standing, assuming you meet the CEU requirements. If you need the language from the statutory exemption, we will give that to you, but you need to do some checking with the

City of Ottumwa and verify that they have it as part of that ordinance, resolution of bidding specifications requirement

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Eldon Louwsma 2012-97 641-28.1(5)c

Brita Van Horne, chairperson for ARC Committee, reported that this information is exactly the same as the previous waiver we looked at. Mr. Louwsma was asked if he had anything to add.

Eldon Louwsma: Just what Charlie has already stated, since it was under his address we got no notification that the license was due

Jim Cooper made a motion to deny this request on the grounds that there were no unique or unusual circumstances. Sue Pleva seconded the motion.

A roll call vote was taken. Voting to approve the motion were Brita Van Horne, Chuck Thomas, Rod Schultz, Sue Pleva, Mick Gage and Jim Cooper. Voting not to approve the motion were Ken Sharp, Ron Masters and Blas Hernandez.

Motion carried

Shane Marcum 2012-98 641-28.1(5)c

Brita Van Horne, chairperson for ARC Committee, reported Mr. Marcum sent in a letter which is the content of his waiver request. The committee did not find any specific extenuating circumstances in this waiver that would differentiate from other applicants. The committee's recommendation is to deny this request.

Shane Marcum: I got a renewal notice in the mail, like everybody did. I wasn't quite certain what it was saying to me, I was under the assumption that I was good for another year. I asked my wife to read it and she was under the assumption we were good for another year. I talked to Jana Byrom in the office and that is the same information I got from her. That is all I have for an excuse. I have my continuing ed, I have my apprenticeship program, I've taken my journeyman's test. Other than confusion I don't have much of an excuse.

Ken Sharp: There were 15 individuals that Jana Byrom had referenced. Are all three of you among those 15 in question?

Jana Byrom: Steve Goodman is part of those 15.

Brita Van Horne: From my understanding the Journey licenses are the ones Jana Byrom was trying to renew and are included in the broader case. Master licensees it was up to the license holder to renew those and they are not necessarily included in Jana Byrom's packet of information.

Jana Byrom: Steve Goodman is part of that packet, the other two are not.

Brita Van Horne made a motion to deny this waiver as there does not appear any extenuating circumstances. Mick Gage seconded the motion.

A roll call vote taken: Voting to approve the motion were Jim Cooper, Mick Gage, Blas Hernandez, Ron Masters, Sue Pleva, Rod Schultz, Ken Sharp, Chuck Thomas and Brita Van Horne.

Motion unanimously carried

Mr. Marcum asked if he would fall under the new rule if the governor signs the bill?

Ken Sharp: we can't answer that today.

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Brian McDonald 2012-99 641-28.1(5)c

Brita Van Horne, chairperson for ARC Committee, reported she knows we have granted waivers in the past. The committee did not see any specific extenuating circumstances in this waiver that would differentiate from other applicants. The committee's recommendation is to deny this request for waiver.

Mr. McDonald was not present.

Chuck Thomas made a motion to deny this waiver as there does not appear any extenuating circumstances. Jim Copper seconded the motion.

A roll call vote taken: Voting to approve the motion were Jim Cooper, Mick Gage, Blas Hernandez, Ron Masters, Sue Pleva, Rod Schultz, Ken Sharp, Chuck Thomas and Brita Van Horne.

Motion unanimously carried

Stephen Goodman 2012-100 641-28.1(5)c

Brita Van Horne chairperson for ARC Committee reported that the information we have at this point based at the committee level at the time we met the committee recommendation was that there was not any specific extenuating circumstances in this waiver that would differentiate from other applicants. The committee's recommendation is to deny this request for waiver.

Matt Oetker: Board rules allow 120 before a decision has to be made.

The board chose to defer this waiver until the June Meeting, allowing Ken Sharp to meet with Jana Byrom on discrepancies and report back to the board.

Christopher Miller 2012-101 641-28.1(5)c

Brita Van Horne, chairperson for ARC Committee, reported this waiver is very similar to the last one (Shane Marcum). The committee did not see any specific extenuating circumstances in this waiver that would differentiate from other applicants. The committee's recommendation is to deny this request for waiver. All of his CEUs were taken before his license expired.

Jane Hagedorn: did the renewal notice come to your home address?

Mr. Miller: Yes, I did the same thing Shane did. Misinterpreted it, we have public safety meetings and Jana Byrom told us don't worry about sending in the fees. I took that as don't send in anything. Wait till next year when you get your renewal form and then do that one.

Mick Gage: asked why the masters in their shop were treated differently?

Kevin Toxword spoke from a company standpoint the owner did not agree with Iowa's rules to obtain a masters for getting grandfathered in; therefore we did not sponsor them.

Mick Gage made a motion to deny this waiver as there does not appear any extenuating circumstances. Brita Van Horne seconded the motion.

A roll call vote taken: Voting to approve the motion were Jim Cooper, Mick Gage, Blas Hernandez, Ron Masters, Sue Pleva, Rod Schultz, Ken Sharp, Chuck Thomas and Brita Van Horne.

Motion unanimously carried

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Michael Foster 2012-102 641-28.1(5)c

Brita Van Horne, chairperson for ARC Committee, reported this individual did not renew his license in a timely manner. The committee did not find any special circumstances that would justify treating him differently therefore their recommendation is for denial.

Mr. Foster was not present.

Chuck Thomas made a motion to deny this waiver as there does not appear any extenuating circumstances. Ron Masters seconded the motion.

A roll call vote taken: Voting to approve the motion were Jim Cooper, Mick Gage, Blas Hernandez, Ron Masters, Sue Pleva, Rod Schultz, Ken Sharp, Chuck Thomas and Brita Van Horne.

Motion unanimously carried

Chuck Thomas made a motion to adjourn. Ron Masters seconded the motion.

Adjournment was at 12:40 p.m.

Next meeting is scheduled on June 19, 2012 at University Hygienic Laboratory, DMACC, 2220 S. Ankeny Blvd., Ankeny, IA Lab Facility Rooms 207 & 208