

Plumbing and Mechanical Systems Board Meeting

Tuesday, April 19, 2011

Lucas, Conference Room 517 & 518

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

Absent: Chuck Thomas.

Call to Order – Chair Jane Hagedorn

Minutes dated March 15, 2011

Ron Masters made a motion to approve the March 15, 2011 minutes.

Dennis Molden seconded

No further discussion was held

Vote: All ayes

Dr. Mariannette Miller Meeks: Dr. Meeks introduced herself and invited board and public to stop by her office and she would be happy to meet and speak.

Board Member Recognition

Jane Hagedorn and Mick Gage, representing the entire Board, presented to Tom Day a plaque in appreciation of everything he has done during his tenure on the board.

New Board Membership

Ron Master has been reappointed for another term. Three new members, Jenny Pitts, James Cooper and Blaz Hernandez, will join the board at next month's meeting. Blaz was in attendance and introduced himself.

Contested Case Request Ted Salz Sr. and Ted Salz Jr.

September: A few meetings ago there was a notice of intent to impose civil penalty on Mr. Salz Sr., and Mr. Salz Jr. for practicing without a license. By statute, he received 30 days to request a hearing. No request was received so an order was drafted imposing that civil penalty. A few days after the time to request a hearing had expired Mr. Salz Sr. did contact Cindy Houlson at the board office and since that time that order has not been signed. It is past the time to request a formal hearing; however, Mr. Salz Sr. indicated that he would like to speak to the board today.

Ted Salz Sr.: I am a plumber in Garner. This has gotten way out of hand in my behalf, because I didn't know what was going on. I did carry a masters in Mason City and Des Moines. I did take a test and was under the impression that I would be grandfathered in as a master. I found out late that I had to actually apply for. I sent my stuff in to do it, unfortunately it was never received. We were actually going to close our shop that is why we did not contest it. We want to stay in the business, we do have our applications in to take our master tests. I have my application in for a journey license that I am entitled to. Would like to reduce or extend out the civil penalties. The bank is working with me so I don't lose the shop, so I can continue to work in the plumbing business if I can get proper licensing.

Following a lengthy discussion Jane Hagedorn interjected that the only option available to Mr. Salz at this time is to apply for and sit for the master exam, pass the exam, then apply for a license. The grandfathering provisions have expired and based on the information the board has today it isn't clear that Mr. Salz qualifies to receive any of the licenses without examination.

Board consensus is the application is inadequate. Mr. Salz will be requested to resubmit his application accurately reflecting the exams requested. The application should include all three disciplines Mr. Salz

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is interested in. Dan will do follow up with Mason City regarding the scope of work covered under a master plumbing license during that time period and report back to the board.

Consensus of the Board is that the initial notice of intent will remain as is.

Application from Ted Salz Jr.

Board consensus was to return Ted Salz, Jr's application requesting he complete the application and provide correct missing information. The notice of intent will go forward.

Waiver of Administrative Rules

Kenneth Litchfield The board reviewed this request at the last board meeting and requested additional information. Page 29 represents that additional information. This gentleman took the exam three times and did not pass it. He read Promedic information that stated that he had the opportunity to take the exam as many times as necessary for a year. He is asking that we allow him to have that year.

Board consensus is that he will be allowed six months from the date of issuance to pass the exam. The board has gone through the four elements and they will be integrated into this ruling.

Ron Masters made a motion to allow Mr. Litchfield six months from the date of issuance to pass the exam.

Mick Gage seconded

No further discussion was held

Vote: All ayes

John Hobart

This gentleman is from the same company and request is similar to Mr. Litchfield's. The board has gone through the four elements and they will be integrated into this ruling.

Ron Masters made a motion to allow Mr. Hobart six months from the date of issuance to pass the exam.

Tom Day seconded

No further discussion was held

Vote: All ayes

Sky Baski

Mr. Baski is asking for a waiver from continuing education for license renewal.

Matt Oetker: This board only has authority to grant a waiver from its own rules. Statutory authority according to section 105.20 the legislature has imposed at least 8 hours of CEUs for a licensing term.

Tom Day made a motion to deny this waiver on the grounds that this board lacks the authority to grant such a waiver.

Ron Masters seconded

No further discussion was held

Vote: All ayes

Burke Plain

This waiver is similar to the first two. He claims he did not get his notice of approval to sit for the exam until very late in the process, then was unable to pass the test.

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Tom Day made a motion to allow Mr. Plain six months from the date of issuance to pass the exam.

Ron Masters seconded

No further discussion was held

Vote: All ayes

Bank of America

John Kelley summarized this waiver. Bank of America is updating their public restrooms for ADA accessibility. Based on plumbing code requirements they are one water closet short

1. *The application of the rule would impose an undue hardship on Bank of America for whom the waiver is requested.*

The financial costs associated with compliance would not meet the undue hardship requirement.

2. *The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;*

There is harm to the public because of the 113 occupancy level with the amount of fixtures required. The board has already made the code more liberal by adopting the IPC tables as opposed to the UPC tables.

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*

This factor would not preclude the issuance

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.*

The entire rule making process was to address this very situation. Knowing the history that there was a large number of variances issued previously under the UPC code. The argument from the architects was that those requirements were too stringent and we made accommodations to address those concerns.

Tom Day made a motion to deny this waiver upon the grounds stated above.

Mick Gage seconded

No further discussion was held

Vote: Ayes: Tom Day, Mick Gage, Ron Masters, Ken Sharp, Susan Salsman, Dennis Molden

Nayes: Brita Van Horne

Legislative Report Ken Sharp

House File 392 with two amendments is on its way to the governor, typically it takes about a week for the governor to sign those bills.

Transition Planning from 2011 Session Ken Sharp

House File 392 is effective as soon as the governor signs it. We have to do a lot of work this week to begin preparing for those changes. A meeting with Iowa Interactive has been scheduled to begin discussing how quickly the changes could be made. Iowa Interactive has begun planning internally to address the changes. We will begin preparing information for several different categories such as one for those that have already renewed their license or purchased a license will be getting a refund. We will be sending them a notification and let them know what that process will be and that it will take some time to get those refunds issued. We will probably have to shut down the licensing website the day the bill is signed and place information on that website that explains the implications. Matt, September and the office staff will be looking at what rule changes that are needed.

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As soon as we get some of those documents (rules, letters, etc) finalized we will be presenting to the board. Things the board needs to weigh in on, including any rule changes, will be brought to the board for input.

The other concern for me is the new budget report requirements. We are going to have to meet to figure out how to do three year budgeting and what the new fee structure will need to be. A huge concern for me will be projecting revenues when we start charging fees again, with the definition changes of HVAC, refrigeration and hydronics.

While we are changing the rules impacted by the legislation, we plan to revisit some of the other rule changes the board has discussed. As a follow-up to our brief discussion last month regarding the contractor license, we did receive information from Workforce Development on the number of contractors registered. There are six different categories that likely cover the trades under this board:

- Heating, Air Conditioning and Plumbing with just over 1,450 registered contractors
- Pipe laying, sewer, water lines and wells and tiling 203 registered contractors
- Boiler maker and steam fitting 37 contractors registered
- Bridges, pipe laying or other heavy construction 82 contractors registered
- Excavating and earth moving and trenching 748 contractors registered
- General contractor residential just over 3,400 contractors registered

Based upon 2000 contractors, and the \$300,000 expense for one to one and a half FTEs to oversee the contractor licensing would bump up the contractor fee to approximately \$150 from the \$87 or \$90 we talked about last month. Consensus of the board to use that 2,000 figure for contractors in our budget and looking at that \$150 mark as the target.

Committee Reports and Recommendations for Actions:

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

Administrative Rules Committee Susan Salsman

We had hoped to move forward, but following today's conversations we will be waiting to see how everything shakes out

CEU Committee Jane Hagedorn, committee chair

Jane reported statistics from the approval of instructors and courses.

Total applications received	1356
Instructor applications approved	402
Course applications approved	719
E courses approved	41
Applications waiting for approval	71
Applications that have been returned due to inadequate information and have received no response within 30 days	123

We met once this month, we had 91 courses and instructions for review. We moved through them in record time. We continue hold the standard as high as we can.

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Medical Gas Committee:

Tom Day reported a meeting was held two weeks ago. A review of the request from Medical Gas Training and Consultation to be considered equivalent to NITC. Chuck had reviewed all of the information and he had some questions that he covered with this firm ahead of time. The committee is making a recommendation that Medical Gas Training and Consultation be approved as an equivalent to NITC.

Mick Gage made a motion to accept Medical Gas Training and Consultation as an equivalent to NITC.

Susan Salsman seconded

No further discussion was held

Vote: All Ayes

Testing & Exam Committee:

Tom Day reported in Chuck Thomas' absence. To date, following is a summary of the number of attempts at the master and journey level exams:

Master exams: A total of 91 passes and 243 failures.

Journey exams: A total of 27 passes and 104 failures.

Chapter 29 Committee

Ron Masters reported the Chapter 29 Committee met last Monday, to discuss Vatterott College's application to become equivalent to a service technician associate degree. Following discussion the committee recommends approve of Vatterott College equivalent to a service technician associate degree for specialty licenses.

Mick Gage made a motion to accept Vatterott College as equivalent to a service technician associate degree for specialty licenses.

Tom Day seconded

No further discussion was held

Vote: All Ayes

We also had a discussion with Black Hills Energy seeking equivalency to a service technician associate degree for specialty licenses. As soon as they provide some type of evaluation for their students, they can be recommended for approval to the board.

Discipline Committee

Jane Hagedorn reported this committee met yesterday and the committee continues to bring cases forward to day's meeting in both in open and closed session.

Three cases the board has ruled on previously are proceeding to hearing. That hearing will be held on May 18th beginning at 9:00 a.m.

Mr. John Classen license application: The Discipline Committee met with Mr. John Classen. This is a case the board looked at last month asking for further information. The Discipline Committee would like to make a recommendation to the board that a license been issued with restrictions.

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Board consensus, with Ken Sharp and Jane Hagedorn opposing, was agreed on to issue a license to Mr. Classen with certain restrictions. Restrictions to be attached to the agreement includes:

1. Mr. Classen shall abide by all the requirements of Iowa Code 692A.
2. Mr. Classen shall notify all current and potential employers and union halls of his actions related to these charges and shall provide those employers with the following:
 - Synopsis of what happened and what he has done since the charges to address his actions.
 - A copy of the Iowa Court of Clinton County Charges and the resulting actions by the court, to include the guilty plea by Mr. Classen.
 - Documentation that states he is on the Iowa Sex Offender Registry
 - A copy of the documents provided on pages 1 thru 8 of the packet reviewed by the board.
3. All employers that receive a notice as required under this agreement must verify receipt to the board within fifteen days.

Other Business

Update Election of Officers – Cindy Houlson

Three board members have expressed interest in leadership roles. Jane Hagedorn would like to continue as chairperson, Mick Gage is interested in vice chair and Chuck Thomas in whatever position. The door is still open should someone else be interested, please contact me. The election will be held at the May meeting and nominations will be accepted from the floor.

Licensed in Iowa concern:

Mick Gage has gotten numerous calls from local inspectors wanting to have our licensees available on the registry to allow them to look them up. You used to be able to but can't any longer.

What Mick was asking about is the search by area, not individual search.

Ken Sharp: That system is functioning, however there have been some issues with the search. We have no control over Licensed in Iowa. We are using that system due to availability. I understand the issues are being worked on.

Public Comments

Emails from Travis Young and Christian Diaz

It is not this board's responsibility to advertise private companies as resources.

Jerry Hintz expressed his concern with the length of time it is taking for an apprentice to receive and schedule an exam with Prometric. Jerry expressed concern that there is a lot of miscommunication.

Approval information is transmitted electronically by secure server from us to Prometrics, once in a 24 hour period.

Cindy Houlson: There have been some significant changes with our computer systems. All secure systems are set up with multiple agencies. If one of the agencies make a change, that can affect everything that happens.

Cindy and Ken will meet with Prometric to address the issues and ascertain where the issues start – on our end or theirs.

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Don Hanson Regarding 392, did they restore the word homestead?

Ken Sharp does not have the Bill in front of him, but thought the focus was on primary residence. Suggested Don look at House File 392.

Do you know what you are going to charge for licenses now?

Ken Sharp: as soon as the governor signs it you will be charged \$125 for a master and \$50 for a journey.

Contractor licensing – how are you going to make sure that everybody out there as much as possible, are going to know they will need a contractor licenses.

Ken Sharp: it is not that much different than the licenses we are now issuing.

Kevin Kruse Receiving calls from individuals saying they have another year to get their CEUs since the license will be a three year. There will be a lot of miscommunication out there – whatever the staff can do, getting information through the list serve and through organizations, anything we can do to help.

Greg Ploeger There are a lot of unemployed people out there, we need to be sensitive to those people.

Break at 12:06 a.m. for lunch.

Closed Session Discipline Review

Brita Van Horne 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)."

Ron Masters seconded

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

Motion: Carried at 12:07 p.m.

Closed session commenced at 12:07p.m.

Return to open session at 1:15 p.m.

Brita Van Horne made a motion to close Case Number PM20090002, PM20110003 and PM20110010

Mick Gage seconded

Vote: All ayes

Motion: Carried

Jane Hagedorn: Discipline committee chose to bring five cases forward

Ken Sharp: I believe these are all unlicensed individuals.

PM20110011 Gary Billings

Dan Hostetler: This also came from Lee Kearney, we have several of these. This is another Menards advertisement violation. I looked up Mr. Billings, he is not licensed, yet in his advertisement he performs water heaters services and bathroom fixture services. During an interview with Mr. Billings he admitted he did not have a license, and he has performed what he considered minor plumbing work, faucet change outs, bath tubs, replacing counter tops and things of that nature. He was under the thought that he did not need a license based on when he first started his business. His first job was

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done in Carlisle. He looked into licensing and inspections in the City of Carlisle, he was referred to a private company they contract with for inspection services. The inspection company allegedly advised him licensing was not required for minor jobs such as what he does; that it is only required when major changes involving running different piping and things of that nature. He was made aware of the advertising violation and was directed to the Plumbing and Mechanical System website in regard of how to apply for a license.

Jane Hagedorn: It is the committee's recommendation that we go forward with notice of intent to impose civil penalty.

Mick Gage made a motion to go forward with a notice of intent to impose civil penalty to Gary Billings of \$500 (cost of the two licenses HVAC and Plumbing) and to cease and desist operations.

Brita Van Horne seconded

Vote: All ayes

Motion: Carried

PM20110012 Tom Wiederin

Dan Hostetler: This is the same situation. Mr. Wiederin advised when contacted he performs replacement of water faucets. He was not aware licensing was needed for this work, said he contracts out most of his plumbing jobs. He has performed some in the past such as a faucet and a toilet according to what he said. He was directed to the Plumbing and Mechanical System website and made aware of licensing requirements and was made aware that civil penalties may be assessed.

Mick Gage made a motion to go forward with a notice of intent to impose civil penalty to Tom Wiederin of \$500 (cost of the two licenses HVAC and Plumbing) and to cease and desist operations.

Brita Van Horne seconded

Vote: All ayes

Motion: Carried

PM20110014 Greg Hughes

Dan Hostetler: This is a similar situation but a bit different. Mr. Hughes says he does not perform any plumbing services at all. If he were to get any of these types of services he would contract with a licensed plumber. He said he knows nothing about plumbing and would not perform these services for a customer. He said the advertisement is merely there if he does get requests for those type of services he refers to a licensed plumber and raises the fees to pay for those services. He said he has not yet contracted those services. He said whenever he is contacted, his services are always higher and they end up going with someone else.

The committee recommended the same course of action and just to clarify "only a person who is duly licensed pursuant to this chapter may advertise the fact that that person is duly licensed".

Mick Gage made a motion to go forward with a notice of intent to impose civil penalty to Greg Hughes based upon advertising of \$500 (cost of the two licenses HVAC and Plumbing) and to cease and desist.

Brita Van Horne seconded

Vote: All ayes

Motion: Carried

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PM20110007 & PM20110008

September Lau: The code says each day of a continued violation constitutes a separate offense except the offense that is the same offense resulting shall be considered a single offense. Under this language this is a separate offense.

Ted Salz Sr. Received a notice of intent in February. He was paid February 7, 2011 for work performed. He has a bid on March 8, 2011 after a notice of intent.

Following a lengthy discussion the board agreed to defer this action until the pending actions against Mr. Salz Sr. are resolved.

Subcommittee Meetings

Jane Hagedorn would like the subcommittee meetings announced at the board meeting to allow scheduling and notice distribution.

The CEU committee has scheduled to meet on May 2nd, two Monday's before the board meeting in an attempt to avoid a large volume of applications for review.

The Discipline committee has scheduled to meet on May 2nd as well.

The ARC committee has scheduled to meet following the May board meeting.

Next meeting: May 17, 2011 at Department of Public Safety

Adjournment