

**Plumbing and Mechanical Systems Examining Board
Rules Committee Meeting Minutes
November 4, 2008**

Committee Members Present:

Sue Salsman, Chairperson
Ronald Masters
Dennis Molden
Stuart Crine
Ken Sharp

Staff Attending:

Cindy Houlson, Executive Officer
Susan Van Horn, Program Planner
Wendy Zimmerline, Secretary

Guest Attending:

Pat Merrick, Chief State electrical Inspector

Chairperson Sue Salsman called the meeting to order at 4:07 pm.

Discussion and review was held on Chapter 31. Changes that were approved are:

31.2(2) Professional incompetence. Professional incompetence includes, but is not limited to:

- a. A substantial lack of knowledge or ability to discharge professional obligations within the [scope of the trade](#).
- c. A failure to exercise the degree of **skill** which is ordinarily exercised by the average licensee acting in the same or similar circumstances.

~~**31.2(9)** Failure to meet the commonly accepted standards of professional competence.~~

31.2(12) Permitting another person to use licenses for any purposes.

The following info was not to be deleted, but to be built up with language that had previously been included in Ch 29...

~~**641—31.3(105,272C) Method of discipline.** The board has the authority to impose the following disciplinary sanctions:~~

- ~~—1. Revocation of license.~~
- ~~—2. Suspension of license until further order of the board or for a specific period.~~
- ~~—3. Prohibit permanently, until further order of the board, or for a specific period the licensee's engaging in specified procedures, methods, or acts.~~
- ~~—4. Probation.~~
- ~~—5. Require additional education or training.~~
- ~~—6. Require a reexamination.~~
- ~~—7. Order a physical or mental evaluation, or order alcohol and drug screening within a time specified by the board.~~
- ~~—8. Impose civil penalties not to exceed \$1000.~~
- ~~—9. Issue a citation and warning.~~

~~—10. Such other sanctions allowed by law as may be appropriate.
[NOTE: these grounds are taken directly from Iowa Code § 272C.3(2)].~~

641—31.4(272C) Discretion of board. The following factors may be considered by the board in determining the nature and severity of the disciplinary sanction to be imposed:

1. The relative serious nature of the violation as it relates to ensuring a high standard of professional **service** to the citizens of this state;

31.5(1) Unlawful practices. Practices by an unlicensed person which are subject to civil penalties include, but are not limited to:

d. Use or attempted use of **another person's** license, certificate, or **wallet card** use or attempted use of an expired, suspended, revoked, or nonexistent certificate **wallet card**.

31.5(3) Subpoenas. Pursuant to Iowa Code section 17A.13(1) and Iowa Code chapter 105, the board is authorized in connection with an investigation of an unlicensed person to issue subpoenas to compel persons to testify and to compel persons to produce books, papers, records and any other real evidence, whether or not privileged or confidential under law, which the board deems necessary as evidence in connection with the civil penalty proceeding or relevant to the decision of whether to initiate a civil penalty proceeding. Board procedures concerning investigative subpoenas are set forth in _____[Rule regarding subpoenas in Complaint/Investigation].

It was decided that over all, this rule was in pretty good shape and the committee would be prepared to present at the December Board meeting.

The next meeting will be held December 11, 2008 from 4:00 to 6:00

The meeting was adjourned at approximately 5:25 pm.

Respectfully submitted,

Wendy Zimmerline