

**IDAHO PLUMBING BOARD
VIDEOCONFERENCE MEETING**

Wednesday – July 23, 2014 – 9:30 a.m. (MT)

**Division of Building Safety
1090 East Watertower Street, Suite 150, Meridian, Idaho
1250 Ironwood Drive, Suite 220, Coeur d'Alene, Idaho
2055 Garrett Way, Building 1, Suite 4, Pocatello, Idaho**

*NOTE: The following report is not a verbatim transcript of the discussions at the meeting,
but is intended to record the significant features of those discussions.*

Chairman Milford Terrell called the meeting to order at 9:30 a.m. (MT).

Board Members Present:

Milford Terrell, Chairman
Debbie Oberhofer
Gilbert Pond
Matt Gardner

Board Members Absent:

Dan Long, Vice-Chairman

DBS Staff Members Present:

C. Kelly Pearce, Administrator
Steve Keys, Deputy Administrator, Operations
Ron Whitney, Deputy Administrator, Administration
Patrick Grace, Deputy Attorney General
Kathleen Watkins, Financial Manager
John Nielsen, Plumbing Program Manager
Terry Blessing, Regional Manager, Region 1
Aaron Reynolds, Regional Supervisor, Region 1
Adam Bowcutt, Regional Supervisor, Region 3
Bill Hatch, Public Information Officer
Renee Bryant, Administrative Assistant 2/Board Secretary

DBS Staff Members Absent:

Chris Jensen, Regional Manager, Region 3

◆ **Introduction**

Aaron Reynolds was introduced as the Division's newly appointed Regional Supervisor for Region 1.

◆ **Open Forum**

City and County Concerns – No items or concerns were brought forth.

Continuing Education and Business Classes – Kenny Calkins, Treasure Valley Master Plumbers Association Representative, expressed displeasure with the Board's vote at the May 2014 meeting to not allow business-related courses for contractors as accredited continuing education.

◆ **Approval of July 23, 2014 Agenda**

MOTION: Gilbert Pond made a motion to approve the July 23, 2014 agenda as presented. Debbie Oberhofer seconded. All in favor, motion carried.

◆ **Approval of May 22, 2014 Minutes**

MOTION: Matt Gardner made a motion to approve the May 22, 2014 minutes as written. Milford Terrell seconded. All in favor, motion carried.

◆ **Administrative Appeals Hearing**

Preston Prawitz – NOV PLB1406-0014 – Preston “Travis” Prawitz represented himself, Plumbing Program Manager John Nielsen represented DBS, and Deputy Attorney General Patrick Grace was the facilitator. All parties provided testimony and argument on NOV PLB1406-0014, violation of IDAPA 07.02.07.011.01 “Plumbing Contractor”.

The Division’s business practice of not notifying all parties associated with a rented license once a licensed contractor disassociates his company from a journeyman came under scrutiny.

MOTION: Gilbert Pond made a motion to reduce the fine to \$200. Motion failed for lack of a second.

MOTION: Matt Gardner made a motion for the fine to remain at \$500, maximum amount. Debbie Oberhofer seconded. A vote was called. Matt Gardner and Debbie Oberhofer voted aye. Gilbert Pond and Milford Terrell voted nay. With a tie vote, the motion failed.

MOTION: Gilbert Pond made a motion to reduce the fine to \$350. Milford Terrell seconded. A vote was called. All in favor, motion carried.

Mr. Prawitz was found guilty of the violation; however, the penalty fee was reduced from \$500 to \$350. The Division will refund Mr. Prawitz \$150. The Deputy Attorney General briefly explained the Defendant’s rights.

ACTION: The Deputy Attorney General will create a Final Order for the Chairman’s signature and provide a signed copy to Mr. Prawitz.

ACTION: DBS will refund Mr. Prawitz \$150.

Rather than automatically blocking the contractor’s permit account without notification, it was recommended DBS notify the license holder and receive approval to change the password.

ACTION: The Division will notify the licensed contractor to change the password on his permit account.

The Plumbing Program Manager was asked to create a rule where the license holder is more accountable when renting his license specific to violations.

ACTION: The Plumbing Program Manager will create a proposed rule to enforce violations on a license holder renting his license to a plumbing journeyman.

◆ **Idaho Statute 54-2608 Revocation of Certificate of Competency -- Suspension -- Refusal to Renew**

As an example, the HVAC Board's draft proposed statute change was distributed. The proposal would change the Board's authority to allow the setting of license requirements, disciplinary issues, civil penalties, and the establishment of other requirements for permits, inspections, etc.

DBS would like to file a legislative idea this year with the premise of presenting a full draft to the Board at the October 2014 meeting. If receptive, the Division would submit the proposed statute changes for the Plumbing, Electrical and HVAC Boards at the same time.

MOTION: Gilbert Pond made a motion to accept the first reading/concept, readdress the topic *Idaho Statute 54-2608 Revocation of Certificate of Competency--Suspension--Refusal to Renew* at the October 2014 Board meeting, have the option to resend the proposal and DBS provide a draft proposal to the Board prior to board packets being dispersed. Matt Gardner seconded. All in favor, motion carried.

ACTION: The topic *Idaho Statute 54-2608 Revocation of Certificate of Competency--Suspension--Refusal to Renew* will be placed on the October 9th agenda as an action item.

ACTION: The Division will send a draft proposal to the Board prior to the distribution of the board packets.

◆ **Adding PP & PE-RT AND Polyethylene for Building Sewer Pipe & Fittings (Public Hearing – Second Reading)**

The proposal incorporates Polypropylene (PP), Polyethylene of Raised Temperature (PE-RT) and Polyethylene (PE) into IDAPA 07.02.06 *Rules Concerning Idaho State Plumbing Code* for building sewer pipes and fittings and water distribution pipes and fittings.

There have been no changes since the first reading at the May 22, 2014 Board meeting.

MOTION: Debbie Oberhofer made a motion to approve the draft proposal to IDAPA 07.02.06 *Rules Concerning Idaho State Plumbing Code* and move forward to the legislature. Gilbert Pond seconded. All in favor, motion carried.

◆ **Expired License and Retest (Public Hearing – Second Reading)**

The proposed statute change establishes an inactive license status for plumbing contractors, extends the length of time to renew a certificate, and creates a 90-day temporary contractor license to an active journeyman to represent a firm, company, etc. of a deceased or incapacitated plumbing contractor.

There have been no changes since the first reading at the May 22, 2014 Board meeting.

MOTION: Gilbert Pond made a motion to accept the proposal to IDAPA 07.02.06 *Rules Concerning Idaho State Plumbing Code* and move forward to the legislature. Debbie Oberhofer and Milford Terrell seconded. Three ayes, one nay, motion carried.

◆ **Mixing Valves (Public Hearing – Second Reading)**

The proposed rule change would add to IDAPA 07.02.06.011 *Adoption and Incorporation by Reference of the Idaho State Plumbing Code* the deletion of ISPC Section 414.5 “Elimination of Hot Water in Bathtubs and Whirlpool Bathtubs”.

There have been no changes since the first reading at the May 22, 2014 Board meeting.

MOTION: Gilbert Pond made a motion to move forward with the proposed rule change to IDAPA 07.02.06.011 *Adoption and Incorporation by Reference of the Idaho State Plumbing Code* to the legislature. Matt Gardner seconded. Three ayes, one refrained, motion carried.

◆ **Water Heater Strapping (Public Hearing – Second Reading)**

The proposed rule change would add to IDAPA 07.02.06.011 *Adoption and Incorporation by Reference of the Idaho State Plumbing Code* the deletion of ISPC Section 508.2 as it pertains to seismic strapping on water heaters.

There have been no changes since the first reading at the May 22, 2014 Board meeting.

MOTION: Gilbert Pond made a motion to add the verbiage “water heater strapping mandatory for second floor and above installations” to the proposed rule change to IDAPA 07.02.06.011 *Adoption and Incorporation by Reference of the Idaho State Plumbing Code* prior to being submitted to the legislature. Debbie Oberhofer seconded.

Upon further discussion of what constitutes a second floor, Debbie Oberhofer withdrew her second. The motion failed for lack of a second.

MOTION: Matt Gardner made a motion to delete Section 508.2 from the ISPC. Gilbert Pond seconded. All in favor, motion carried.

◆ **Shower Pans (Public Hearing – Second Reading)**

The proposed rule change would add to IDAPA 07.02.06.011 *Adoption and Incorporation by Reference of the Idaho State Plumbing Code* the deletion of ISPC Section 411.8.1 *Tests for Shower Receptors*.

There have been no changes since the first reading at the May 22, 2014 Board meeting.

MOTION: Matt Gardner made a motion to delete Section 411.8.1 *Tests for Shower Receptors* from the ISPC. Gilbert Pond seconded. All in favor, motion carried.

◆ **License Requirements**

A handout on proposed rule changes to IDAPA 07.02.05 *Rules Governing Plumbing Safety Licensing* was distributed. The changes are specific to applicants who: 1) Work as apprentice/journeyman in Idaho, 2) Work out-of-state in a licensed jurisdiction and 3) Work out-of-state in a non-licensed jurisdiction.

There have been no changes since the first reading at the May 22, 2014 Board meeting.

MOTION: Gilbert Pond made a motion to accept the proposed rule change to IDAPA 07.02.05 Rules Governing Plumbing Safety Licensing and move forward to the legislature. Matt Gardner seconded. All in favor, motion carried.

◆ **Administrator Report**

Financial Report – The Idaho Plumbing Board Fund, FY 2014 financial statement as of May 31, 2014, was reviewed.

Accounting – The Financial Manager addressed the Division’s dedicated funds and accounting concepts. The indirect cost allocation for Plumbing for FY 2015 is 15%, same as FY 2014.

Legislative Audit – The Division received a clean report on a recent audit of its business practices.

History of DBS – A PowerPoint presentation by the Administrator addressed the following topics from 2008 through 2014: 1) Plumbing revenue, 2) Full-time employee (FTE)/labor hours, 3) Plumbing fund balance and 4) Plumbing and Electrical revenues.

Permits – As of today, the average number of permits electronically issued by DBS is between 68% - 71%.

◆ **Tuff Form**

Neal Dykeman, NDS Company LLC, is a manufacturer representative for the Accessibility Resource Center that deals exclusively in 100% accessibility products.

The product presented was Tuff Form. It is a pre-fabricated, ready-for-tile product for level entry showers designed specifically for homeowners.

The Board agreed to allow the product for use in the state of Idaho with the following stipulations: 1) Installed by the manufacturer installation standards, 2) No curbs, 3) Local and state inspectors participate, 4) Six month sunset clause, 5) Board review the topic *Tuff Form* at end of sunset clause, and 6) If acceptable, the company will apply for a code change to the Board.

The Deputy Attorney General was asked, with the assistance of the Plumbing Program Manager, to prepare a policy statement on the above key points.

ACTION: The Deputy Attorney General will work with the Plumbing Program Manager to create a policy statement on the use and installation of the product *Tuff Form*.

ACTION: The topic *Tuff Form* will be addressed at the Plumbing Board’s first meeting in 2015.

◆ **Sewer and Water Permit Fees (First Reading)**

The proposed changes to IDAPA 07.02.03.12 *Sewer and Water Permit Fees* would be to increase the residential sewer and water service lines installation permit fees from \$38 to \$65 each and change the verbiage from “individual” to “contractor or homeowner as applicable” for clarity.

MOTION: Gilbert Pond made a motion to accept the first reading of the topic *Sewer and Water Permit Fees* as presented and move forward with the second reading. Matt Gardner seconded. All in favor, motion carried.

◆ **Unlicensed Employee**

At the May 2014 meeting, the Board requested Integrity Plumbing appear at the October 2014 meeting to discuss the hiring of an unlicensed individual. Unable to attend the meeting, the Deputy Attorney General was directed to send the licensee a certified “first notice” letter explaining his violation of the code. Board Member Pond asked the Board be provided a copy of the letter.

ACTION: The Deputy Attorney General will send a “first notice” violation letter via certified mail to Integrity Plumbing. The letter will explain the violation of the law for hiring an unlicensed individual.

◆ **CWI Online Specialty Appliance Course**

College of Western Idaho (CWI) created a 72-hour online Appliance Plumbing Specialty course. The Plumbing Program Manager has reviewed and given approval for its use.

The Plumbing Program Manager will revisit the special grandfather provision in IDAPA 07.02.05.018.04 to determine whether the clause is necessary.

ACTION: The Plumbing Program Manager will address the current grandfather clause for the Appliance Plumbing Specialty license at the October 9, 2014 Plumbing Board meeting.

◆ **Farm Buildings and Exemptions**

DBS was directed to bring to the October 9, 2014 meeting a draft proposal redefining farm buildings and exemptions as it pertains to water and sewer systems in Idaho Code §54-2602 *Exemptions*. The objective is for the proposal to go before the 2016 legislature.

ACTION: The Division will present, as an informational item at the October 9, 2014 meeting, a draft proposal to Idaho Code §54-2602 *Exemptions*.

◆ **Plumbing Program Manager Report**

Contractor Exam – The average passing rate on the contractor exam is 92%. With the rate so high, the Plumbing Program Manager offered to look into the issue.

ACTION: The Plumbing Program Manager will look into why the average pass rate on the contractor exam is high and bring his findings to a future Board meeting.

Testing – A statistical report, as of July 16, 2014, on plumbing exams for appliance journeymen, plumbing journeymen and plumbing contractors was distributed.

The Chairman requested additional information be provided in the report; i.e. statistical breakdown on each trade school, union, open shop, demographics, etc., Board Member Pond asked for an updated report via e-mail and the Administrator offered to make the detailed report part of the packet for future meetings.

A great deal of information gathered for the report is from a survey (optional) offered at the completion of the online exam.

ACTION: The Program Specialist will provide an updated report and survey report to the board members via e-mail.

ACTION: The Testing report will be included in board packets of future Plumbing Board meetings.

◆ **Operational Report**

The daily operations of the Plumbing Program and Division were covered under the Administrator and Plumbing Program Manager reports.

◆ **Adjournment**

Chairman Terrell adjourned the meeting at 2:44 p.m. (MT).

MILFORD TERRELL, CHAIRMAN
IDAHO PLUMBING BOARD

C. KELLY PEARCE, ADMINISTRATOR
DIVISION OF BUILDING SAFETY

DATE
09/04/14rb

DATE